



City of Troy

**AGENDA, TROY CITY COUNCIL**  
**MONDAY, APRIL 18, 2016, 7:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Excuse Mr. Schweser

excuses by motion/second/roll call vote

**PUBLIC HEARINGS**

O-20-2016, Zoning of Trader Annexation, Inlots 10578 & 10579, from County zoning of A-2, General Agriculture to City zoning A, Agricultural District

O-21-2016, Zoning of Cheney Annexation, Inlot 10574, from County zoning of R-1AAA, Single-Family, to City zoning of M-2, Light Industrial District

O-22-2016, Rezoning of IL 9678 from M-2, Light Industrial District, and B-2, General Business District, to the single zoning of B-2, General Business District

**SUMMARY OF MINUTES**

April 4, 2016 Meeting

motion/second/roll call vote

**COMMITTEE REPORTS**

Citizen comments on committee reports or agenda items – two minute limit

**RESOLUTIONS**

R-18-2016 Bidding farm lease for land north of Paul G. Duke Park 1<sup>st</sup> Reading

R-19-2016 Consent to ODOT paving area of SR 718 inside City at no cost to City EMERGENCY 1<sup>st</sup> Reading

**ORDINANCES**

O-20-2016 Zoning of Trader Annexation, Inlots 10578 & 10579, from County zoning of A-2, General Agriculture to City zoning A, Agricultural District PUBLIC HEARING 4-18-2016 2<sup>nd</sup> Reading

O-21-2016 Zoning of Cheney Annexation, Inlot 10574 from County zoning of R-1AAA, Single-Family, to City zoning of M-2, Light Industrial District PUBLIC HEARING 4-18-2016 2<sup>nd</sup> Reading

O-22-2016 Rezoning of IL 9678 from M-2, Light Industrial District, and B-2, General Business District, to the single zoning of B-2, General Business District PUBLIC HEARING 4-18-2016 2<sup>nd</sup> Reading

O-24-2016 Transfer part of OL 91 to Troy Board of Education, located behind Lincoln Community Center 1<sup>st</sup> Reading

O-25-2016 Reappropriation 1<sup>st</sup> Reading

O-26-2016 Authorize use agreements for Treasure Island Park EMERGENCY 1<sup>st</sup> Reading

**COMMUNICATIONS/ANNOUNCEMENTS**

COMMENTS: Mayor, Director of Public Service & Safety, Director of Law, Auditor, Council President

COMMENTS: Council

COMMENTS: Staff

COMMENTS: Audience

**EXECUTIVE SESSION**

RECESS INTO EXECUTIVE SESSION FOR DISCUSSION OF PREPARING FOR, CONDUCTING OR REVIEWING NEGOTIATIONS OR BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT (MOTION, SECOND, ROLL CALL VOTE)

**ADJOURN**

NOTE: Committee meetings may take place prior to or following Council meeting

**CITY OF TROY MISSION STATEMENT:**

*Through sound and prudent leadership, the City of Troy is committed to sustaining its continued prominence as a regional hub by providing a well-balanced community for its residents, businesses and visitors, consisting of a vibrant downtown, growing economic base, strong educational environment, and plentiful recreational opportunities strengthened by public/private cooperation and grounded in financial stability.*

## DISPOSITION OF ORDINANCES AND RESOLUTIONS

**Date of Meeting: April 18, 2016**

### **Troy City Council Meeting**

DESCRIPTION	RESOLUTION NO.	1ST READING	2ND READING	3RD READING	PUBLIC HEARING	SUSPENSION	ADOPTION
Bid Farm Lease	R-18-2016						
Consent ODOT pave part of SR 718	R-19-2016						
	<b>ORDINANCE NO.</b>						
Zoning Trader Annex - A	O-20-2016	4/4/2016			4/18/2016		
Zoning Cheney Annex - M-2	O-21-2016	4/4/2016			4/18/2016		
Rezone IL 9678, by 1201 Brukner Dr. from M-2 & B-2 to M-2	O-22-2016	4/4/2016			4/18/2016		
Transfer land to School Bd	O-24-2016						
Reappropriation	O-25-2016						
Use Agreements, TI Park	O-26-2016						

# MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, April 4, 2016, at 7:00 p.m. in Council Chambers.

Members Present: Kendall, Phillips, Schweser, Snee, Terwilliger, Tremblay and Twiss.

Upon motion of Mr. Phillips, seconded by Mr. Tremblay, Mr. Heath was excused from this meeting by unanimous roll call vote.

Upon motion of Mrs. Snee, seconded by Mr. Phillips, Mrs. Oda was excused from this meeting by unanimous roll call vote.

Presiding Officer:	Martha A. Baker,	President of Council
Others Present:	Michael L. Beamish,	Mayor
	Patrick E. J. Titterington,	Director of Public Service and Safety
	Grant D. Kerber,	Director of Law
	John E. Frigge,	Auditor

INVOCATION: The meeting began with an invocation given by Mr. Terwilliger, followed by the Pledge of Allegiance was led by Griffin Johnson of Boy Scout Troop 356.

INTRODUCTION: Recently appointed Firefighter-Paramedic Craig A. Allread was introduced.

MINUTES: The Clerk gave a summary of the minutes of the March 21, 2016 meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Kendall, seconded by Mr. Schweser, to approve these minutes. Motion passed by unanimous roll call vote.

## COMMITTEE REPORTS:

Finance Committee: Mr. Kendall reported that Committee recommends legislation be prepared approving the requested subordination of the SBD loan of R&E, LLC from PNC Bank to Greenville Federal Bank as this will not impact the City's loan. Committee supports emergency legislation so that the company can complete the refinancing with Greenville Federal as soon as possible.

Report signed by Schweser, Tremblay and Kendall.

Personnel Committee: Mr. Terwilliger, Chairman, reported that to level workloads and provide for operational efficiencies, Committee recommends legislation be prepared to:

1. Amend the salary ordinance for the FLSA exempt employees to move the positions of Planning and Zoning Manager and Zoning Inspector from the Office of the Engineering Division to the Department of Development.
2. Amend the salary ordinance for hourly employees to create the new position of Program Coordinator under the Recreation Board at the 2016 hourly rate of \$15.48.

While not a matter of legislation, Committee supports increasing the authorized staffing of the position of Assistant Development Director from one to two incumbents. Committee also noted that a reappropriation may be required, but funds are available within fund balances.

Report signed by Kendall, Twiss and Terwilliger.

Discussion. Mr. Twiss asked about the process of filling any positions – the second Assistant Development Director position and that of Program Coordinator. Mr. Titterington commented that the next step would be to finalize any details with the Civil Service Commission prior to any posting.

Oral Report. Mr. Terwilliger, Chairman, reported that The Mayor has requested the consent of Council to the appointment of John E. Frigge to the Community Improvement Corporation (CIC) to fill a vacancy. Committee supports that appointment. A motion was made by Mr. Terwilliger, seconded by Mr. Schweser, to approve the appointment of John E. Frigge to the CIC for an appointment commencing immediately. Motion passed, unanimous roll call vote.

Recreation and Parks: Mr. Tremblay reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into an agreement related to the 2016 Troy Strawberry Festival.

Report signed by Tremblay.

Streets and Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared to:

1. Authorize the Director of Public Service and Safety to enter into an agreement with the Board of Miami County Commissioners regarding the paving of McKaig Road from SR 718 to South Dorset Road, with the County paying 53% of the cost of such paving.

2. Authorize the Director of Public Service and Safety to advertise for bids and enter into a contract for the 2016 paving program, with such program to include the paving of McKaig Road from SR 718 to South Dorset Road, at a total cost not to exceed \$1,105,000 for the entire paving program.

Committee further supported a future reappropriation of \$275,000 from the Capital Improvement Fund for the gross expenditure related to the McKaig Road resurfacing.

Report signed by Snee and Phillips.

Utilities Committee: Mr. Tremblay, Chairman, reported as follows:

1. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the replacement of equipment associated with the primary clarifiers at the WWTP at a cost not to exceed \$64,000.
2. Committee recommends legislation be prepared to:
  - A. Authorize the Miami Valley Communications Council (MVCC) and its consultant to act as procuring agents for the City of Troy to identify a competitive retail electric provider for electric generation and transmission supplier services for City facilities.
  - B. Authorize the Director of Public Service and Safety to execute an agreement for electric generation and transmission supply services for City facilities with the competitive retail service provider once that provider is identified.

Committee supports emergency legislation as MVCC has requested a commitment by May 1 of the communities that intend to participate in a new group contract, and each entity must have the ability to execute a new agreement very quickly once the provider is identified since market prices change daily and suppliers are not able to hold prices for an extended period of time.

Reports signed by Terwilliger, Twiss and Tremblay.

CITIZEN COMMENTS: None.

#### RESOLUTION NO. R-14-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE REPLACEMENT OF EQUIPMENT ASSOCIATED WITH THE PRIMARY CLARIFIERS AT THE WASTEWATER TREATMENT PLANT

This Resolution was given first title reading.

Mr. Tremblay moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.

Yes: Tremblay, Snee, Phillips, Terwilliger, Twiss, Schweser and Kendall.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Schweser.

Yes: Snee, Phillips, Terwilliger, Twiss, Schweser, Kendall and Tremblay.

No: None.

RESOLUTION ADOPTED

#### RESOLUTION NO. R-15-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH THE BOARD OF MIAMI COUNTY COMMISSIONERS REGARDING THE RESURFACING OF MCKAIG ROAD

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Tremblay.

Yes: Phillips, Terwilliger, Twiss, Schweser, Kendall, Tremblay and Snee.

No: None.

Mr. Phillips moved for adoption. Motion seconded by Mr. Schweser.

Yes: Terwilliger, Twiss, Schweser, Kendall, Tremblay, Snee and Phillips.

No: None.

RESOLUTION ADOPTED

#### RESOLUTION NO. R-16-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2016 PAVING PROGRAM

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Twiss, Schweser, Kendall, Tremblay, Snee, Phillips and Terwilliger

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Kendall.

Yes: Schweser, Kendall, Tremblay, Snee, Phillips, Terwilliger and Twiss.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-17-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO ENTER INTO AN AGREEMENT FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Tremblay moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.

Yes: Kendall, Tremblay, Snee, Phillips, Terwilliger, Twiss and Schweser.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Twiss.

Yes: Tremblay, Snee, Phillips, Terwilliger, Twiss, Schweser and Kendall.

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-17-2016

ORDINANCE AMENDING ORDINANCE NO. O-46-2015, FIXING SALARIES AND WAGES OF CERTAIN EMPLOYEES OF THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.

Yes: Snee, Phillips, Terwilliger, Twiss, Schweser, Kendall and Tremblay.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Schweser.

Yes: Phillips, Terwilliger, Twiss, Schweser, Kendall, Tremblay and Snee.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-18-2016

ORDINANCE AMENDING ORDINANCE NO. O-45-2015, FIXING SALARIES AND WAGES OF CERTAIN EMPLOYEES OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

Mr. Terwilliger moved for suspension of rules requiring three readings. Motion seconded by Mrs. Snee.

Yes: Snee, Phillips, Terwilliger, Twiss, Schweser, Kendall and Tremblay.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Kendall.

Yes: Phillips, Terwilliger, Twiss, Schweser, Kendall, Tremblay and Snee.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-19-2016

ORDINANCE SUBORDINATING A MORTGAGE LIEN FOR R&E, LLC AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mrs. Snee moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.

Yes: Terwilliger, Twiss, Schweser, Kendall, Tremblay, Snee and Phillips.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Tremblay.

Yes: Twiss, Schweser, Kendall, Tremblay, Snee, Phillips and Terwilliger.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-20-2016

ORDINANCE CHANGING THE ZONING OF INLOTS 10578 AND 10579 IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY OF TROY ZONING OF A, AGRICULTURAL DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-21-2016

ORDINANCE CHANGING THE ZONING OF INLOT 10574 IN THE CITY OF TROY, OHIO, FROM THE MIAMI COUNTY ZONING OF R-1AAA, SINGLE-FAMILY, TO THE CITY OF TROY ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-22-2016

ORDINANCE CHANGING THE ZONING OF INLOT 9678 (PARCEL NO. D08-105060) IN THE CITY OF TROY, OHIO FROM THE DUAL ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT AND B-2, GENERAL BUSINESS DISTRICT TO THE SINGLE ZONING OF B-2, GENERAL BUSINESS DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-23-2016

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2016 TROY STRAWBERRY FESTIVAL AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT THEREFOR

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mrs. Snee.

Yes: Schweser, Kendall, Tremblay, Snee, Phillips, Terwilliger and Twiss.

No: None.

Mr. Phillips moved for adoption. Motion seconded by Mr. Twiss.

Yes: Kendall, Tremblay, Snee, Phillips, Terwilliger and Twiss.

No: None.

Abstain: Schweser (as his wife is the manager of the Troy Strawberry Festival). ORDINANCE ADOPTED

COMMENTS OF MAYOR BEAMISH: Mayor Beamish thanked Council for the appointment of Mr. Frigge to the CIC.

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington noted that The Troy Foundation has generously approved a grant for \$10,000 towards the cost of the July 4 fireworks; that the annual spring cleanup will be April 11-15, but brush polices must be followed for the collection of the brush.

COMMENTS OF PRESIDENT OF COUNCIL: Mrs. Baker thanked Ted Mercer and other lawn care businesses for commencing Operation Courthouse (the maintenance of the green space around the Courthouse) and continuing their commitment to help keep Troy beautiful.

AUDIENCE COMMENTS:

-James Thompson, 209 Nottingham Lane, spoke regarding a mountain bike trail that is being established within cemetery property, adjacent to him, and that he opposed in the past. Mr. Thompson stated his understanding that any further determination to proceed would be submitted to Council and on Council's agenda, but he has found that a lot of work has been done to clear the land. Mr. Thompson stated his objection to this trail proceeding without notice to neighbors and addressing concerns of loss of privacy and the persons who may use the trail. Mr. Titterington noted that the use of the land can be authorized as an administrative matter, a mountain bike trail is part of the recognition as a bike friendly community, and the trail is still subject to a determination of where the access will be to be away from residential properties. Mrs. Baker asked about liability and procedures. Mr. Kerber confirmed that the City has recreational immunity regarding the use of the land, and the procedures that can allow the use of the land.

-Julie Thompson, 209 Nottinghill Lane, asked if the City has not formally approved this trial, whom does she call if there are problems, and commented if the goal of such trails are to be a light footprint, she does not feel the trails cut meet that goal, and she feels the neighbors were blindsided. Mrs. Baker suggested she call the Director of Public Service and Safety and also talk to the neighbor mentioned as spearheading the project.

-Lester Conard, 1210 S. Clay Street, commented that sidewalks in front of City Hall need to be repaired, the City has planted trees on S. 25A that are dying and money should not be thrown away on beauty that will die, and he feels officials are allowing the mountain bike trail in their own personal interests.

EXECUTIVE SESSION: A motion was made by Mr. Tremblay, seconded by Mrs. Snee, to recess into executive session for discussion of preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

Motion passed, unanimous roll call vote.

At 8:12 p.m. Council recessed into Executive session.

A motion was made by Mr. Schweser, seconded by Mr. Phillips, to return to regular session.

Motion passed by unanimous roll call vote.

At 8:32 p.m. Council returned to regular session and, there being no further business, adjourned.

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Clerk of Council

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President of Council

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council  
FROM: Community and Economic Development Committee  
SUBJECT: TRANSFER OF PART OF OL 91 TO THE TROY CITY SCHOOL DISTRICT

DATE: April 11, 2016

**SUMMARY:** *(to be read at Council meeting)*

Committee members Schweser and Twiss met on April 11 to consider recommending that part of OL 91, land behind the Lincoln Community Center, be transferred to the Troy City School District. The School District is the owner of the land on which the Center was constructed. This would put all the land at Lincoln Community Center into a common ownership of the School District.

**RECOMMENDATION:** *(to be read at Council meeting)*

We believe the interest of the public will be served by the transfer of this property to the School District. It is the recommendation of this Committee that legislation be prepared authorizing the transfer of part of OL 91 to the Troy City School District Board of Education.

Respectfully submitted,

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Thomas M. Kendall

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John W. Schweser

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William C. Twiss, Chairman  
Community and Economic Development Committee

**DETAILED REPORT**

Committee members Schweser and Twiss on April 11, 2016 to consider recommending that part of OL 91, land behind the Lincoln Community Center, be transferred to the Troy City School District. This meeting was also attended by Mayor Beamish, the Director of Public Service and Safety, and members of the City staff.

The Lincoln Community Center is located on Ash Street. The Board of Education is the owner of record of the land on which the Lincoln Community Center was constructed. The City is the owner of record of the parcel to the rear of the Center, which receives some mowing by the City, but which has historically been used for programs and activities of the Center. It would be prudent to have the land involved with Lincoln Community Center under common ownership, and it is recommended that it be the Troy Board of Education. City staff does not have a need to retain this land in the name of the City. The Board of Park Commissioners has also recommended the transfer of ownership. Having the land under a single ownership would also permit a replat to remove lot lines should the Center wish to do any expansion at some point. We have been advised that the Board of Education would be agreeable to accepting the land.

**RECOMMENDATION:**

We believe the interest of the public will be served by the transfer of this property to the School District. It is the recommendation of this Committee that legislation be prepared authorizing the transfer of part of OL 91 to the Troy City School District Board of Education.

cc: Mayor  
Council  
Mr. Kerber,  
Mr. Frigge  
Mr. Titterington  
Clerk  
media  
file

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council  
FROM: Community and Economic Development Committee  
SUBJECT: FARM LEASE AGREEMENT, PART OF PAUL G. DUKE PARK

DATE: April 11, 2016

**SUMMARY:** *(to be read at Council meeting)*

Committee members Schweser and Twiss met on April 11 to review the recommendation of the Board of Park Commissioners that approximately 69 acres north of the Paul G. Duke Park be offered for bids as a farm lease agreement. The agreement would cover an area of the recently purchased Huelskamp Farm that had previously been farmed. Until the City is ready to develop the land, having it farmed is a method by which the land would be appropriately maintained.

**RECOMMENDATION:** *(to be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a Cash Farm Lease Agreement for approximately 69 acres north of the Paul G. Duke Park.

Respectfully submitted,

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Thomas M. Kendall

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John W. Schweser

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William C. Twiss, Chairman  
Community and Economic Development Committee

**DETAILED REPORT**

Committee members Schweser and Twiss met on April 11, 2016 to review the recommendation forwarded by the Board of Park Commissioners that approximately 69 acres north of the Paul G. Duke Park be bid for a farm lease agreement. This meeting was also attended by Mayor Beamish, the Director of Public Service and Safety, and members of the City staff.

There are approximately 69 acres north of the Paul G. Duke Park, part of the recently acquired Huelskamp Farm that has been farmed in the past. Until such time as the City will be proceeding to develop this acreage, the Board of Park Commissioners has recommended that the acreage be bid as a farming lease. Having that land farmed would also keep the Park Department from needing to mow and maintain those grounds.

**REQUESTED ACTION:**

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a Cash Farm Lease Agreement for approximately 69 acres north of the Paul G. Duke Park.

cc: Mayor  
Council  
Mr. Kerber  
Mr. Frigge  
Mr. Titterington  
Clerk  
media  
file

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council  
FROM: Recreation and Parks Committee  
SUBJECT: TREASURE ISLAND NON-TICKETED USE AGREEMENTS

DATE: April 11, 2016

**SUMMARY:** *(to be read at Council meeting)*

This Committee met on April 11 to consider Use Agreements associated with three concert events at Treasure Island Park that will include the sale and consumption of alcoholic beverages. Events that include the sale and consumption of alcohol at this venue will require specific Council action. The alcohol sale and consumption would have to meet all State requirements and follow best practices, including those related to security and safety.

**RECOMMENDATION:** *(to be read at Council meeting)*

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to execute the Treasure Island Non-Ticketed Use Agreements for the three concerts listed in the detailed report. Because of the number of details to be coordinated prior to the events, we support emergency legislation. We also note that the July 9 event will be subject to approval of the Board of Park Commissioners as it was scheduled after the most recent Board meeting and approval of the June 25 and July 23 events.

Respectfully submitted,

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Robin I. Oda

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Douglas W. Tremblay

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Brock A. Heath, Chairman  
Recreation and Parks Committee

**DETAILED REPORT**

This Committee met on April 11, 2016 to consider Use Agreements associated with events at Treasure Island Park. This meeting was also attended by Mayor Beamish, the President of Council, Council Members Snee and Terwilliger, the Director of Public Service and Safety, and members of the City staff.

There will be a number of events at Treasure Island Park for the inaugural year of the newly renovated park. Of those events, there are following three concert events scheduled that will include the sale and consumption of alcoholic beverages:

June 25	"Phil Dirt Presents: Surf's Up: A Tribute to the Beach Boys"
July 9	"Stranger at Treasure Island Park"
July 23	"Parrots of the Caribbean"

The details of a use application/agreement template have been worked out with the Director of Law, and have followed the model developed during the 2013 GOTR event. This would be a tri-party agreement: the Troy Recreation Board would be the applicant with Recreation Department staff handling the event covered by the agreement; the Board of Park Commissioners would be requested to approve the agreement; the Director of Public Service and Safety would sign on behalf of the City. Specific Council authorization will be required for those that would involve the sale of alcohol. In addition, the alcohol sale and consumption would have to meet all State requirements and follow best practices, including those related to security and safety. The Park Board has reviewed and authorized the events for June 25 and July 23. The July 9 event was scheduled after the most recent meeting of the Board.

It was noted that the Use Agreement application will be available on-line as it would be the application to be used for other events at Treasure Island Park.

**RECOMMENDATION:**

It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to execute the Treasure Island Non-Ticketed Use Agreements for the three above noted concerts. Because of the number of details to be coordinated prior to the events, we support emergency legislation. We also note that the July 9 event will be subject to approval of the Board of Park Commissioners.

cc: Mayor, Council, Mr. Kerber, Mr. Frigge, Mr. Titterington, Clerk  
file, media

COMMITTEE REPORT  
TROY CITY COUNCIL

TO: Mrs. Baker, President of Council

DATE: April 11, 2016

FROM: Streets & Sidewalks Committee

SUBJECT: ODOT CONSENT LEGISLATION, RESURFACING PROGRAM – SR 718 IN STATE FY 2017

SUMMARY REPORT: *(to be read at Council meeting)*

Committee members Snee and Heath met on April 11 to consider the consent legislation provided by the Ohio Department of Transportation (ODOT) regarding ODOT's microsurfacing project to include the paving of SR 718 in State FY 2017. A small portion of the project is within Troy's city limits. The project is at no cost to the City, but consent legislation is required.

RECOMMENDATION: *(to be read at Council meeting)*

We recommend that the consent legislation provided by ODOT be approved related to the paving of an area of SR 718 within the City of Troy. Based on the ODOT format, we support the legislation being presented as an emergency measure.

Respectfully submitted,

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Brock A. Heath

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Lynne B. Snee

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Bobby W. Phillips, Chairman  
Streets & Sidewalks Committee

DETAILED REPORT:

Committee members Snee and Heath met on April 11, 2016, to consider the consent legislation provided by the Ohio Department of Transportation (ODOT) regarding ODOT's microsurfacing project for State FY 2017. This meeting was also attended by Mayor Beamish, Council President Baker, Council Members Oda, Terwilliger and Tremblay, the Director of Public Service and Safety, and members of the City staff.

For this project, ODOT will be paving an area of SR 718, and a small portion of the area to be paved is within the City of Troy. The project is at no cost to the City, but consent legislation is required. As is standard with ODOT, their consent legislation would be an emergency measure. Final legislation would be presented prior to the project commencing.

RECOMMENDATION:

We recommend that the consent legislation provided by ODOT be approved related to the paving of an area of SR 718 within the City of Troy. Based on the ODOT format, we support the legislation being presented as an emergency measure.

cc: Council, Mayor,  
Director of Law  
City Auditor  
Mr. Titterington  
Clerk  
File  
media

**RESOLUTION No.** R-18-2016

**RESOLUTION AUTHORIZING THE DIRECTOR OF  
PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY,  
OHIO TO ADVERTISE FOR BIDS FOR A FARM LEASE  
AGREEMENT FOR LAND LOCATED NORTH OF THE  
PAUL G. DUKE PARK**

**WHEREAS**, the City recently purchased land located north of the Paul G. Duke Park, and

**WHEREAS**, until such time as the land will be further developed by the City, it is appropriate that the land be farmed,

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Troy, as follows:

**SECTION I:** That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to advertise for bids and enter into a farm lease agreement for approximately 69 acres of land located north of the Paul G. Duke Park.

**SECTION II:** That this Resolution shall be effective at the earliest date allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

**RESOLUTION No.** R-19-2016**A RESOLUTION AUTHORIZING CONSENT AND COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF STATE ROUTE 718 WITHIN THE RIGHT-OF-WAY OF THE CITY OF TROY, OHIO IN FY 2017 AND DECLARING AN EMERGENCY**PID No. 101059  
MIA MICRO FY2017 (A)

The following is Resolution enacted by the City of Troy, Miami County, Ohio, hereinafter referenced to as the CITY, in the matter of the stated described project.

**SECTION I - Project Description**

WHEREAS, the STATE has identified the need for the described project:

Microsurface various routes in Miami County to include State Route 718 Straight Line Mile 4.29 to 8.26 more or less, a portion within the City of Troy, Miami County, Ohio. Said project is further identified as **MIA MICRO FY2017 (A)**.

NOW THEREFORE, be it resolved by the City of Troy, Ohio.

**SECTION II - Consent Statement**

Being in the public interest, the CITY gives consent to the Director of Transportation to complete the above described project.

**SECTION III - Cooperation Statement**

The CITY shall cooperate with the Director of Transportation in the above-described project as follows:

The CITY has no obligation for costs for the project as described in Section I. ODOT will provide all Federal-aid and State funds as set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

In addition, the CITY also agrees to pay One-Hundred Percent (100%) of those features requested by the CITY which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

If curb ramps are constructed by ODOT in compliance with the Americans with Disabilities Act, future maintenance of installed sidewalk curb ramps shall be the responsibility of the City. The City shall adjust any existing castings, as required, with City forces.

**SECTION IV - Utilities and Right-of-Way Statement**

The CITY agrees that all right-of-way (if applicable) required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The CITY also understands that right-of-way costs include eligible utility costs. The CITY agrees to be responsible for all utility accommodation, relocation, and reimbursement and will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**SECTION V - Maintenance**

Upon completion of the Project, and unless otherwise agreed, the CITY shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for such maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and, (4) hold said right-of-way inviolate for public highway purposes.

**SECTION VI - Authority to Sign**

The Director of Public Service and Safety of said City is hereby empowered on behalf of the City of Troy to enter into contracts with the Director of Transportation necessary to complete the above described project.

**SECTION VII - Emergency**

That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Troy, Ohio, and for the further reason to expedite the highway project and to promote highway safety, NOW WHEREFORE this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

ORDINANCE No. O-20-2016

Dayton Legal Blank, Inc.

zone Trader Annex

**ORDINANCE CHANGING THE ZONING OF INLOTS 10578  
AND 10579 IN THE CITY OF TROY, OHIO FROM M-2,  
FROM THE MIAMI COUNTY ZONING OF A-2, GENERAL  
AGRICULTURE, TO THE CITY OF TROY ZONING OF A,  
AGRICULTURAL DISTRICT**

WHEREAS, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio, to rezone Inlots 10578 and 10579 in the City of Troy, and

WHEREAS, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval, and

WHEREAS, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

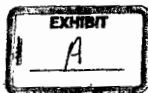
**SECTION I:** That the zoning of Inlots 10578 and 10579 in the City of Troy, Ohio, and as shown on Exhibit A attached hereto, be changed from the Miami County zoning of A-2, General Agriculture, to the City of Troy zoning of A, Agricultural District.

**SECTION II:** That this Ordinance shall be effective at the earliest date allowed by law:

Adopted: \_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council Mayor



# COZATT ENGINEERING COMPANY

CIVIL ENGINEER-LAND SURVEYOR

MICHAEL W. COZATT  
PROFESSIONAL ENGINEER #6001  
PROFESSIONAL SURVEYOR #6001

2784 S. COUNTY ROAD 25A  
TROY, OHIO 45373  
(937) 339-2921 • (937) 439-9650

SUBDIVISIONS  
MUNICIPAL ENGINEERING  
LAND SURVEYS

September 30, 2009

## DESCRIPTION

34.469 Acre Tract  
Harold E. Trader

Being a 34.469 acre tract located in the southeast and southwest quarters of Section 7, Town 1, Range 11BTMRS, and the northeast and northwest quarters of Section 12, Town 1, Range 10 BTMRS, Staunton Township, Miami County, Ohio, acquired by Harold Trader, LLC and Harold E. Trader, Trustee by deed recorded in Deed Book 770, Page 819 and Deed Book 770, Page 813 of the Miami County Recorder's Deed Records, and bounded and described as follows:

Commencing for reference at a point at the southeast corner of the southeast quarter of Section 7, Town 1, Range 11BTMRS; thence North 85 deg.-50'-40" West for 802.12 ft. along the south line of Section 7 to a mag nail found on the centerline of Troy-Urbana Road; thence South 74 deg.-00'-00" West for 925.88 ft. along the centerline of Troy-Urbana Road to a PK nail set at the southwest corner of Lot 13 of Forest View Subdivision No. 3 and making the true place of beginning;

thence, South 74 deg.-00'-00" West for 60.00 ft. along the centerline of Troy-Urbana Road to a PK nail set at the Southeast corner of Lot 7 of Forest View Subdivision No. 1;

thence, North 16 deg.-00'-00" West for 280.00 ft. along the east line of the aforesaid Lot 7 to a 5/8" dia. capped iron pin set at the northeast corner of Lot 7, witness passing an iron pin found at 30.00 ft.;

thence, South 74 deg.-00'-00" West for 1104.25 ft. along the north line of Forest View Subdivision No. 1 a PK nail set on the centerline of Deweese Road and the City of Troy corporation line, witness passing a 5/8" dia. capped iron pin set at 1074.23 ft.

thence, North 14 deg.-02'-22" West for 300.02 ft. along the centerline of Deweese Road and the City of Troy corporation line to a PK nail set at the northwest corner of Lot 8 of Forest View Subdivision No. 2;

thence, North 75 deg.-57'-38" East for 280.00 ft. along the north line of Lot 8 to a 5/8" dia. capped iron pin set at the northeast corner of Lot 8, witness passing an iron pin found at 30.00 ft.;

thence, North 13 deg.-58'-14" West for 626.31 ft. along the east line of Forest View Subdivision No. 2 to a 5/8" dia. capped iron pin set;

thence, North 76 deg.-03'-23" East for 65.64 ft. to a 5/8" dia. capped iron pin set;

thence, South 86 deg.-04'-46" East for 66.00 ft. to an iron pin found;

thence, North 03 deg.-40'-54" East for 298.58 ft. to a point, witness passing an iron pin found at 298.14 ft.;

thence, South 86 deg.-12'-12" East for 1431.54 ft. to a 5/8" dia. capped iron pin set;

thence, South 03 deg.-50'-46" West for 731.05 ft. along a new division line to a 5/8" dia. capped iron pin set in the north line of Lot 16 of Forest View Subdivision No. 3;

thence, South 74 deg.-00'-00" West for 475.00 ft. along the north line of Forest View Subdivision No. 3 to 5/8" dia. capped iron pin set at the northwest corner of Lot 13 of Forest View Subdivision No. 3;

thence, South 16 deg.-00'-00" East for 280.00 ft. along the west line of the aforesaid Lot 13 to the PK nail set at the southwest corner of Lot 13 and on the centerline of Troy-Urbana Road, marking the place of beginning, witness passing an iron pin found at 250.00 ft.

Containing a total of 34.469 acres, including 27.624 acres in Section 7, 6.845 acres in Section 12, including 1.005 acres in Lot 8 of Forest View Subdivision No. 2, and subject to all legal easements, rights-of-way and restrictions of record.

According to a field survey performed by Michael W. Cozatt, Professional Surveyor #6001, 2784 S. County Road 25A, Troy, Ohio 45373, on November 15, 2009, and filed in P.B. Page of the Miami County Recorder's Plat Records.

dell4:10609mmex



*Michael W. Cozatt*



City of Troy

## MEMORANDUM

TO: Mrs. Baker, President, Troy City Council  
FROM: Sue Knight, for the Troy Planning Commission  
DATE: March 20, 2016

**SUBJECT: REPORT OF THE PLANNING COMMISSION ON THE REZONING OF THE PROPERTIES KNOWN AS THE TRADER ANNEXATION, INLOTS 10578 AND 10579, TWO PARCELS FOR A TOTAL OF 34.469 ACRES, FROM THE COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY ZONING OF A, AGRICULTURAL DISTRICT**

On March 9, 2016 the Troy Planning Commission considered the rezoning the properties known as the Trader Annexation, Inlots 10578 and 10579. There are two parcels for a total of 34.469 acres. The requested rezoning is from the County zoning of A-2, General Agriculture, to the City zoning of A, Agricultural District. This property is located east of DeWeese Road and north of Troy-Urbana Road. The property owner/rezoning applicant is Harold E. Trader, LLC. Staff advised that the applicant is seeking a City zoning that will continue the agricultural use.

The Planning Commission determined not to hold a public hearing on this rezoning application.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Inlots 10578 and 10579, known as the Trader Annexation, be rezoned from the County zoning of A-2, General Agriculture District, to the City of Troy zoning of A, Agricultural District, based on the findings of staff that:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code;
- The proposed rezoning is consistent with the surrounding zoning districts;
- Proposed use is consistent with the requested zoning district and the proposed City of Troy zoning district; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

Attached is a copy of the information reviewed by the Commission. This request is forwarded herewith to Council for

The Public Hearing before Council has been set for the April 18 meeting of Council.

encl.

TO:	Troy Planning Commission
FROM:	Planning Staff
DATE:	March 9, 2016
SUBJECT:	Rezoning: K30-042350 (50.818 ac.) & K30-048707 (1.014 ac.)
OWNER:	Harold Trader Trustee
APPLICANT:	Harold Trader

**BACKGROUND:** 33464

Harold Trader has applied for Planning Commission to consider the rezoning of parcels K30-042350 (50.818 ac.) and K30-048707 (1.014 ac.) located east of DeWeese Road and north of Troy-Urbana Road. Currently, the properties are county zoned A-2 General-Agriculture and the applicant requests that the zoning of the parcels be rezoned to city zoning of Agriculture.

The land is currently undeveloped and located east of DeWeese Road and north of Troy-Urbana Road. The surrounding zoning districts include County Zoning of A-2 General Agriculture to the north and east, County zoning of R-1AAA Single-Family Residential to the south, and City of Troy Zoning of R-1 Single-Family to the west of the parcel. A map depicting the city and county surrounding zoning districts have been attached to this report.

**DISCUSSION:**

The applicant has cited that the reason for the annexation/proposed rezoning is to keep the land agricultural while having the property located within city limits. It is the owners intent to continue to farm this land in the immediate future.

The Zoning Code describes the proposed Agriculture zoning district as "designated to provide for agricultural activity on large tracts and areas of open land containing a minimum of twenty (20) acres. Certain public and semi-public uses intended to serve residential development are permitted. This district will be mapped in undeveloped areas at the outer periphery of the City where there is minimal water and sewer service."

Attached to this report is a list of all the Agricultural zoning districts uses.

The Comprehensive Plan's Future Land Use Map (Figure 14-2) displays this property as future residential use. Specifically, in Chapter 14, under the Northeast Sub-Area, the Comprehensive Plan states "The desired future residential development for this area is low-density residential, due to the both the characteristics of the land and the adjacent uses to the south. The existing road network cannot support unrestricted or increased numbers of similar residential densities. With future improvements to the road network, however, higher densities could be accommodated. Future residential development should be commensurate with the changing needs of the Troy community as reflected in the Comprehensive Plan. To achieve the City's desire housing diversity, a low-density

designation of 2.18 units an acre, translating to a minimum of 20,000 square feet lots is needed..." A copy of Figure 14-2 has been attached to this report.

**In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:**

*(A) Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.*

The proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

*(B) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.*

The proposed rezoning is not made necessary because of changing conditions in the affected area. The proposed use will not have any adverse effects in the area and is similar to the county zoned General Agricultural that exist to the north and east.

*(C) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.*

The proposed use is compatible and similar to the county zoned General Agricultural that currently exist to north and east.

*(D) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.*

All utilities can be provided.

*(E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, in any, that make a substantial part of such vacant land unavailable for development.*

In the vicinity of the subject property, there is no available vacant land in the city zoned with the Agriculture zoning classification.

*(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.*

Not applicable in this request.

**PUBLIC HEARING:**

Due to the straight forward nature of the rezoning request, the compliance with the City of Troy Comprehensive Plan, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not feel that a public hearing before the Planning Commission is warranted.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from county zoning of General Agriculture to city zoned Agriculture, based on the following:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts; and
- Proposed use is consistent with the current county zoning district and the proposed City of Troy zoning district; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

# Annexation to the City of Troy

Town 1, Range 11BTMRS, Section 7 &  
Town 1, Range 10BTMRS, Section 12  
Staunton Township, Miami County, Ohio  
Containing 34.469 Acres



Scale: 1"=200'  
0 100 200 300 400

PLAT BOOK 25 PAGE 80  
MIAMI COUNTY RECORDER'S RECORD OF PLATS

MIAMI COUNTY RECORDER  
JESSICA A. LOPEZ  
2016P-00009  
PRESENTED FOR RECORD  
MIAMI COUNTY, TROY, OHIO  
02/11/2016 2:16:08 PM  
REFERENCES  
PAGES: 1

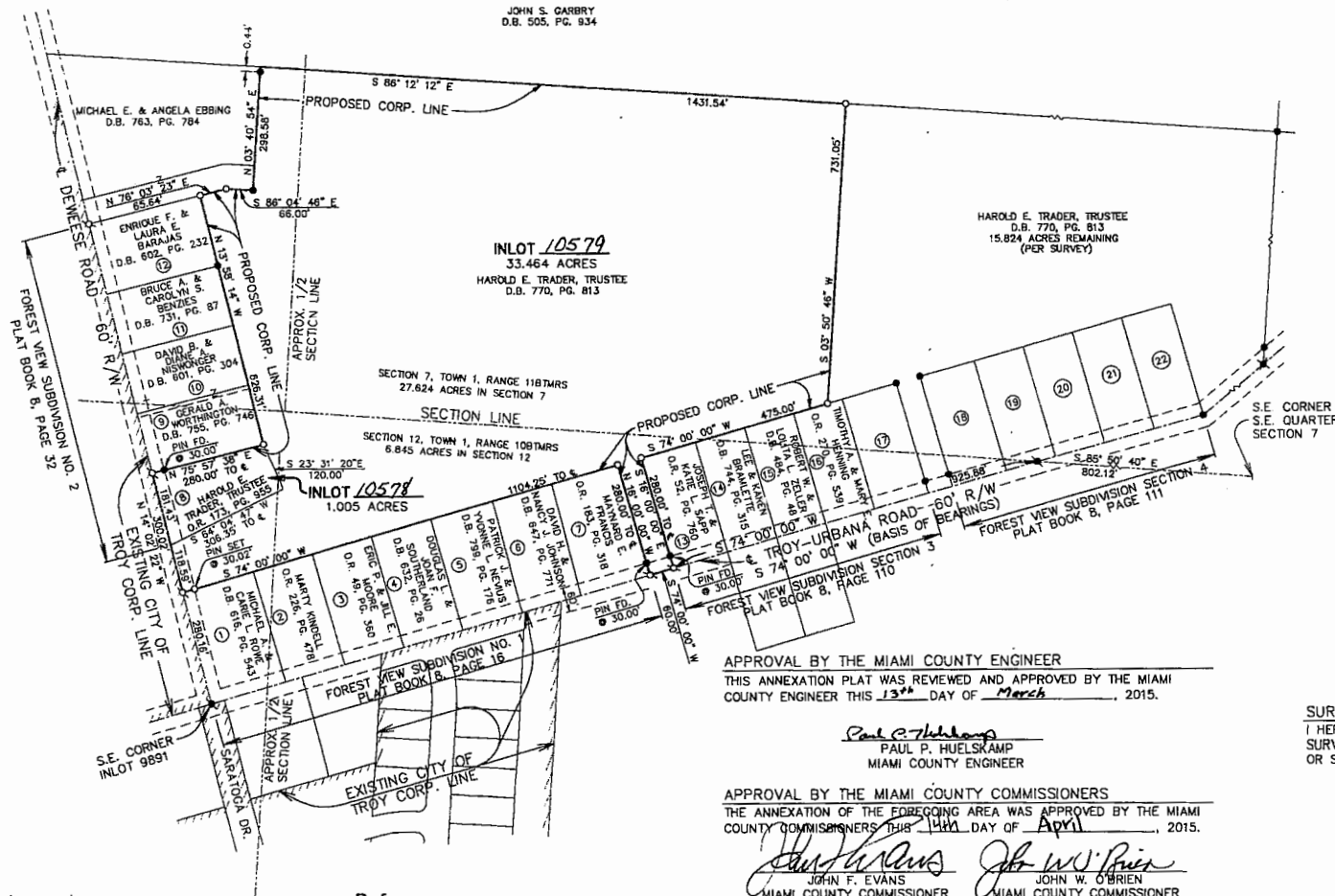
PROCEEDINGS RECORDED IN 2016A-01708  
FEE \$ 43.22

RECORDED BY: *[Signature]*  
MIAMI COUNTY RECORDER  
DEPUTY

SEE ANNEXATIONS PROCEEDINGS RECORDED IN OFFICIAL  
RECORD 2016A-01708

APPROVED AND TRANSFERRED WITH LOT NUMBERS  
ASSIGNED THIS 9 DAY OF Feb, 2015.

APPROVED BY: *[Signature]*  
MIAMI COUNTY AUDITOR  
DEPUTY



APPROVAL BY THE MIAMI COUNTY ENGINEER  
THIS ANNEXATION PLAT WAS REVIEWED AND APPROVED BY THE MIAMI  
COUNTY ENGINEER THIS 13<sup>th</sup> DAY OF March, 2015.

*[Signature]*  
PAUL P. HUELSKAMP  
MIAMI COUNTY ENGINEER

APPROVAL BY THE MIAMI COUNTY COMMISSIONERS  
THE ANNEXATION OF THE FOREGOING AREA WAS APPROVED BY THE MIAMI  
COUNTY COMMISSIONERS THIS 14<sup>th</sup> DAY OF April, 2015.

*[Signature]* *[Signature]*  
JOHN F. EVANS JOHN W. O'BRIEN  
MIAMI COUNTY COMMISSIONER MIAMI COUNTY COMMISSIONER

*[Signature]*  
RICHARD L. CULTICE  
MIAMI COUNTY COMMISSIONER

APPROVAL BY THE CITY COUNCIL OF TROY, OHIO  
THIS ANNEXATION WAS ACCEPTED AND APPROVED BY THE CITY COUNCIL OF  
THE CITY OF TROY, OHIO THIS 30<sup>th</sup> DAY OF July, 2015.

*[Signature]* *[Signature]*  
PRESIDENT OF COUNCIL MAYOR  
*[Signature]*  
CLERK OF COUNCIL

## Legend

- PK nail set
- Mag nail found
- Iron pin found
- 1" Monument Spike
- 5/8" dia. capped iron pin set (Cozatt, S6001)

## References

- |                  |                                                     |
|------------------|-----------------------------------------------------|
| Vol. 13, Pg. 167 | } Miami County Engineer's<br>Record of Land Surveys |
| Vol. 14, Pg. 13  |                                                     |
| Vol. 19, Pg. 102 |                                                     |
| Vol. 21, Pg. 173 |                                                     |
| Vol. 24, Pg. 163 |                                                     |
| Vol. 33, Pg. 137 |                                                     |
| Vol. 41, Pg. 34  |                                                     |
| Vol. 42, Pg. 180 |                                                     |
| Vol. 52, Pg. 01  |                                                     |
| P.B. 07, Pg. 112 | } Miami County Recorder's<br>Plat Records           |
| P.B. 08, Pg. 16  |                                                     |
| P.B. 08, Pg. 32  |                                                     |
| P.B. 08, Pg. 110 |                                                     |
| P.B. 08, Pg. 111 |                                                     |
| P.B. 21, Pg. 12  |                                                     |

## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THIS ANNEXATION PLAT TO BE A TRUE AND CORRECT  
SURVEY MADE UNDER MY DIRECT SUPERVISION, WITH ALL CORNERS FOUND  
OR SET AS SHOWN.



*[Signature]* 9/30/09  
Michael W. Cozatt, P.S. #6001 Date

Cozatt Engineering Company  
Civil Engineer Land Surveyor  
534 N. Elm Street, Suite C Troy, Ohio  
Jab No. 10609A Ph. (937) 339-2921

Scheduled Planning Commission Meeting  
(Held every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month at 3:30 p.m.)

Date Requested: \_\_\_\_\_  
Applicant(s) scheduled on the agenda will be notified

**Office Use Only**

Date Filed \_\_\_\_\_  
Accepted by \_\_\_\_\_  
Filing Fee Pd. \_\_\_\_\_  
Receipt # \_\_\_\_\_

APPLICATION IS DUE TWO (2) WEEKS PRIOR TO MEETING

**APPLICATION FOR ZONING AMENDMENT  
CITY OF TROY PLANNING COMMISSION**

(MUST BE TYPED OR PRINTED LEGIBLY IN BLACK INK)

(READ SECTION 1139 OF THE ZONING CODE BEFORE COMPLETING APPLICATION)

An application for an amendment to the City of Troy, Ohio Zoning Code that would change the zoning classification for the property located at K30-042350 & K30-148767

being lot number(s) \_\_\_\_\_ from (A-2)  
(Parcel Identification Number) (Existing Zoning Classification) (Proposed Zoning Classification)  
County zoning (Local Ordinance) Agriculture

**OWNER**

**APPLICANT**

Name Harold E Trader LLC

Name \_\_\_\_\_

Address 2255 Kessler Cowlsville Rd

Address \_\_\_\_\_

City Troy

City \_\_\_\_\_

State Ohio

State \_\_\_\_\_

Zip Code 45373

Zip Code \_\_\_\_\_

Phone No. \_\_\_\_\_

Phone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Email \_\_\_\_\_

Email \_\_\_\_\_

The applicant is the owner of the property, which is subject to this application.  
(State the interest of the applicant)

**PLEASE PROVIDE THE FOLLOWING:**

1. The reasons for seeking a change in the zoning classification or zoning text: Attach as **EXHIBIT "A"**.
2. The legal description of the land proposed to be reclassified: Attach as **EXHIBIT "B"**.
3. A site plan prepared by a registered engineer, surveyor or architect in duplicate drawn to such scale as to clearly show:
  - a. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, it's present zoning classification, existing and proposed uses: Attach as **EXHIBIT "C"**.
  - b. The present zoning classification of all surrounding lands located within two hundred and fifty (250) feet of the land proposed to be reclassified: Attach as **EXHIBIT "D"**.
  - c. A list (see example) of the names, addresses, and lot numbers of the owners of property within a radius of two hundred and fifty (250) feet from the parcel or parcels of land proposed to be reclassified: Attach as **EXHIBIT "E"**
    - i. Include one (1) copy of County Tax Maps
    - ii. Include two (2) sets of mailing labels
4. 2 complete sets (Exhibits A-E) reproducible in a format no larger than 11"x17"
5. Filing Fee of \$150.00 made payable to the City of Troy

I HEREBY DEPOSE AND SAY THAT THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL THE EXHIBITS PREPARED BY ME AND TRANSMITTED HERewith ARE TRUE.

My 2

(Applicant Signature)

Subscribed and sworn to before me this 27 day of oct, 2015

JOSEPH C. KLATTE, Notary Public

In and for the State of Ohio

My Commission Expires

Dec 16, 2016  
My Commission Expires Dec 16, 2016  
Recorded in Miami County



J C Klatte

(Notary Public)

(For Office Use Only - Do Not Write Below This Line)

**REQUIRED DOCUMENTS:**

EXHIBIT A	Reasons for Zoning Reclassification
EXHIBIT B	Legal Description
EXHIBIT C	Site Plan: lot dimensions, lot numbers, current zoning, existing and proposed uses
EXHIBIT D	Site Map with Zoning & Owners within 250 feet of parcel
EXHIBIT E	Property Owners List within 250 feet of parcel
Labels	Two (2) Sets of Mailing Labels of Property Owners
Copies	Fifteen (15) Complete Sets in a reproducible format 11"x17"
Map(s)	One (1) County Tax Map(s)
Filing Fee	Check issued to City of Troy for \$200.00

Additional Documentation (List):

**PLANNING COMMISSION DISPOSITION:**

PUBLIC HEARING DATE

RECOMMENDATION TO CITY COUNCIL

**CITY COUNCIL DISPOSITION:**

1<sup>st</sup> Reading: 2<sup>nd</sup>: 3<sup>rd</sup>: PUBLIC HEARING DATE

COUNCIL COMMITTEE RECOMMENDATION

Approved: Denied: CITY COUNCIL ACTION

Ordinance Number:

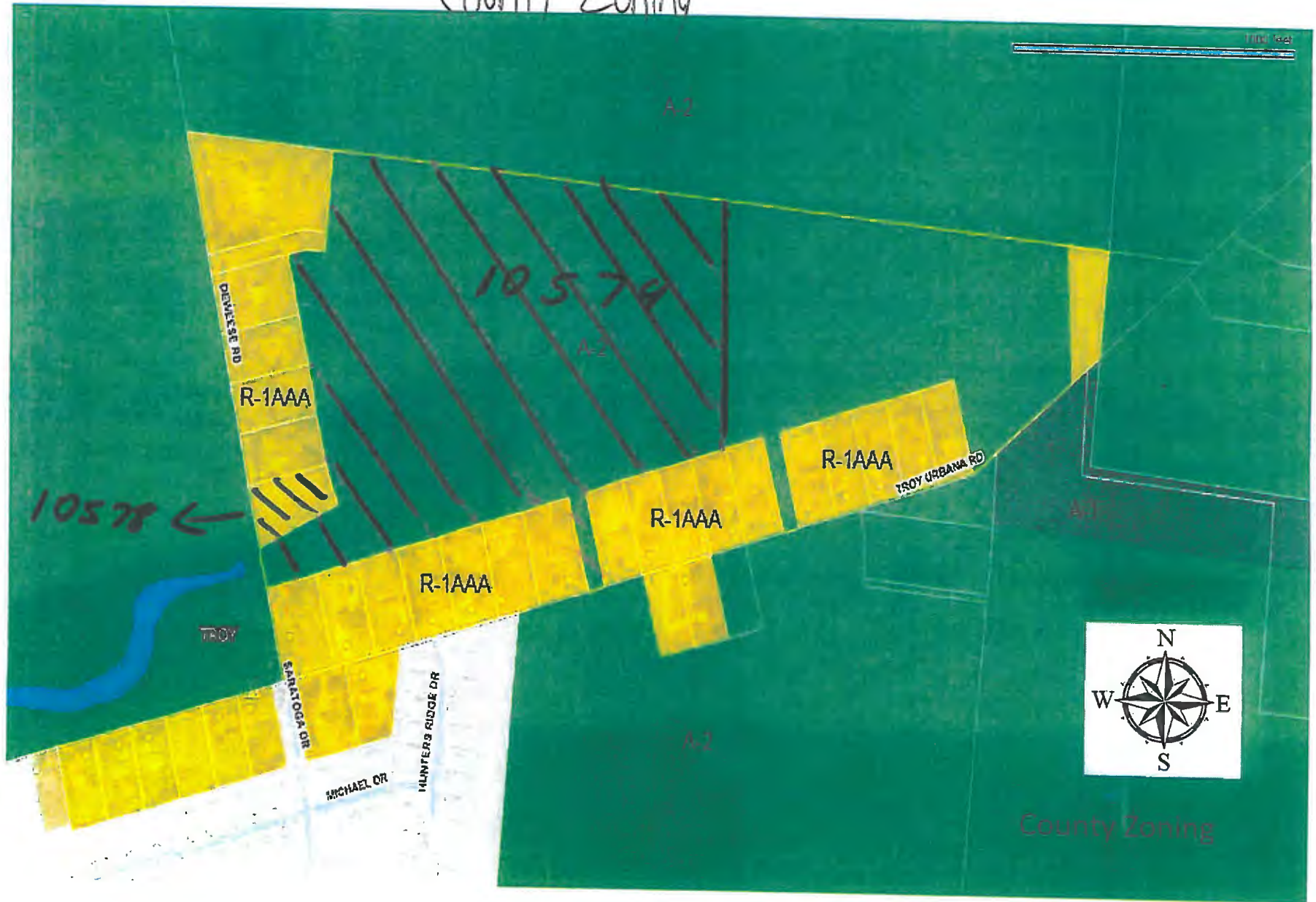
Effective Date:

Revised 10/25/11

# City Zoning



# County Zoning





(a) Purpose. The "A" Agricultural District is designated to provide for agricultural activity on large tracts and areas of open land containing a minimum of twenty (20) acres. Certain public and semi-public uses intended to serve residential development are permitted. This district will be mapped in undeveloped areas at the outer periphery of the City where there is minimal water and sewer service.

(b) Principal Permitted Uses. Only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Agricultural uses.
- Commercial greenhouse and nurseries.
- Hydroponic farms.
- Kennels.
- Public parks, playgrounds and community centers.
- Public utility.
- Riding academies.
- Roadside stands – agricultural products grown on premises.
- Schools – primary, intermediate and secondary – public or private.
- Veterinary office – w/boarding.
- Veterinary office – no boarding.

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

- (1) Private garages or carports.
- (2) A structure for storage incidental to a permitted use
- (3) A guest house.
- (4) Private swimming pool, bath house, and tennis courts.
- (5) Child's playhouse.
- (6) Statuary, arbors, trellises, barbeque equipment, flagpoles, fences, play equipment, clothes lines, walls, and hedges.
- (7) Fallout shelters.
- (8) Day-care centers.
- (9) Satellite earth stations and dish antennas.
- (10) Antennas used by amateur radio operators.
- (11) Any other use customarily found in conjunction with the principal use.

(d) Lot Size Requirements. Each separate zoning lot in the "A" Agricultural District shall:

- (1) Contain a minimum lot area of twenty (20) acres.

- (2) Have a minimum lot width of one thousand (1000) feet.
- (3) Have a minimum lot depth of five hundred (500) feet.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the "A" Agricultural District when it abuts the following zoning districts:

- (1) R-7, OR-1, OC-1, B-1 or WO: A minimum of fifteen (15) feet in width.
- (2) B-2, B-3, B-4, M-1, M-2, M-3: A minimum of twenty-five (25) feet in width.

All buffer strips shall be developed in accordance with the standards outlined in Section 1149.11 of this Zoning Code.

(f) Bulk Regulations. All construction on any zoning lot in the "A" Agricultural District shall provide for:

- (1) Maximum building lot coverage of twenty-five (25) percent for all areas.
- (2) Maximum structure height of fifty (50) feet.

(g) Development Standards. All development in the "A" Agricultural Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code.

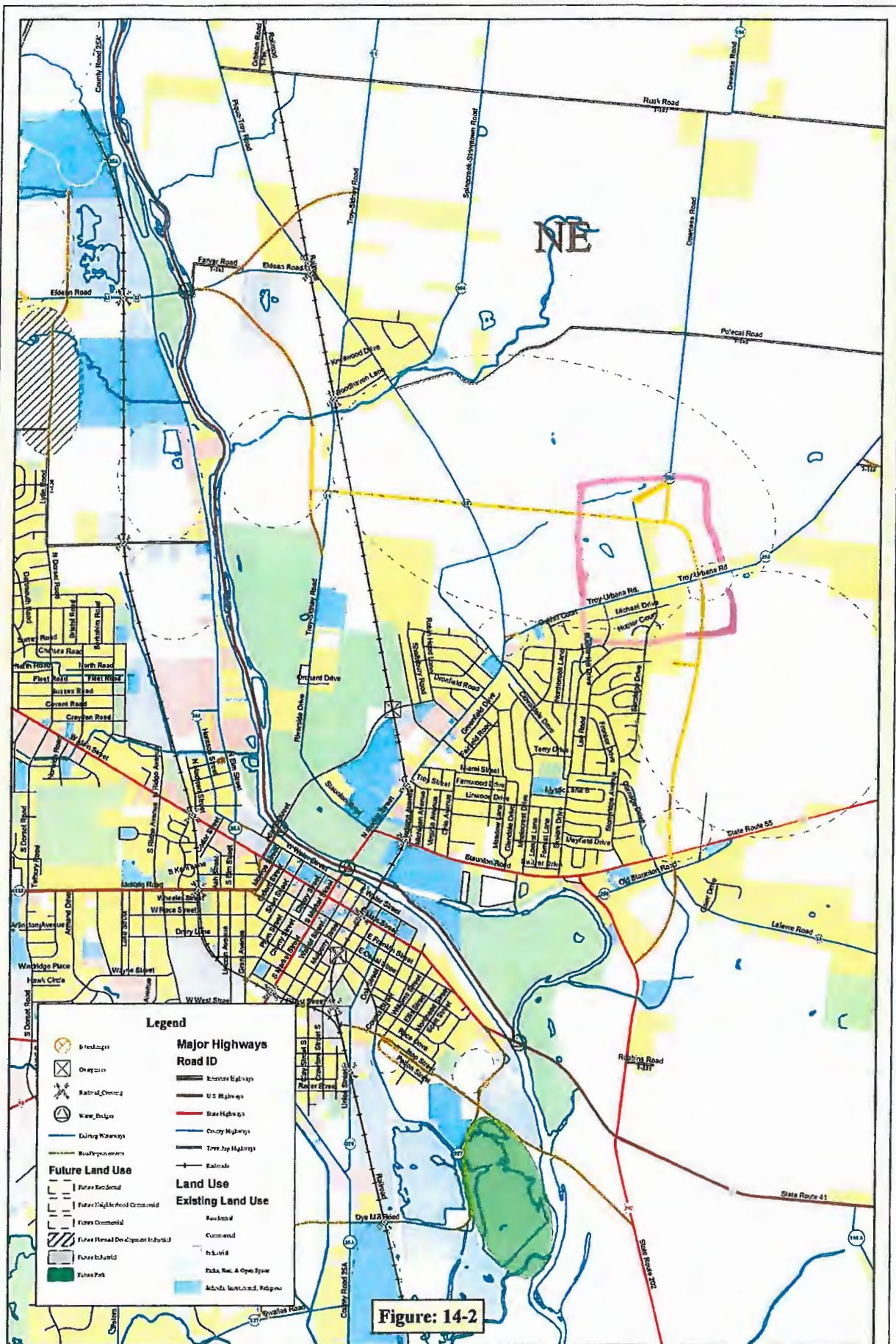
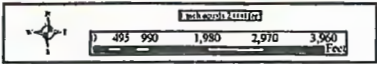


Figure: 14-2



# NE Future Land Use

**ORDINANCE No.** O-21-2016

Dayton Legal Blank, Inc.

**ORDINANCE CHANGING THE ZONING OF INLOT 10574  
IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY  
ZONING OF R-1AAA, SINGLE-FAMILY, TO THE CITY OF  
TROY ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT**

**WHEREAS**, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio, to rezone Inlot 10574 in the City of Troy, and

**WHEREAS**, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval, and

**WHEREAS**, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation,

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Troy, Ohio as follows:

**SECTION I:** That the zoning of Inlot 10574 in the City of Troy, Ohio, and as shown on Exhibit A attached hereto, be changed from the Miami County zoning of R-1AAA, Single-Family, to the City of Troy zoning of M-2, Light Industrial District.

**SECTION II:** That this Ordinance shall be effective at the earliest date allowed by law:

Adopted: \_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council Mayor

EXHIBIT A

1.243 Acre Tract  
for  
S. Howard Cheney  
Annexation to the City of Troy

Situated in the Township of Concord, State of Ohio and the County of Miami and further described as follows: Being a part of the Northwest Quarter of Section 33, Town 5, Range 6 East:

Beginning at a point which marks the Northwest corner of the Northwest Quarter of Section 33, Town 5, Range 6 East:

thence North  $88^{\circ}06'50''$  East, a distance of 184.23 feet to the POINT OF BEGINNING;

thence North  $88^{\circ}06'50''$  East, a distance of 476.21 feet to a point on the centerline of Peters Road;

thence South  $01^{\circ}02'45''$  East with the centerline of Peters Road, a distance of 96.57 feet to a point;

thence South  $87^{\circ}14'25''$  West, a distance of 600.40 feet to a point;

thence North  $48^{\circ}00'50''$  East, a distance of 164.15' to the POINT OF BEGINNING; said described tract containing 1.243 Acres, more or less, same being subject to all legal easements and restrictions of record.

Description prepared by Neil E. Teaford, Professional Surveyor #7724.

This description is not valid without original seal and signature





**MEMORANDUM**

TO: Mrs. Baker, President, Troy City Council  
FROM: Sue Knight, for the Troy Planning Commission  
DATE: March 20, 2016

**SUBJECT: REPORT OF THE PLANNING COMMISSION ON THE REZONING OF THE PROPERTY KNOWN AS THE CHENEY ANNEXATION, INLOT 10574, FROM THE COUNTY ZONING OF R-1AAA, SINGLE-FAMILY, TO THE CITY ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT**

On March 9, 2016 the Troy Planning Commission considered the rezoning the property known as the Cheney Annexation, Inlots 10574. This is a single parcel of 1.243 acres. The requested rezoning is from the County zoning of R-1AAA, Single-Family, to the City zoning of M-2, Light Industrial District. This lot is located south of the Archer Drive/Peters Road Intersection. The property owner is S. Howard Cheney. This lot was recently annexed to the City.

The Planning Commission determined not to hold a public hearing on this rezoning application.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Inlot 10574, known as the Cheney Annexation, be rezoned from the County zoning of R-1AAA, Single-Family, to the City zoning of M-2, Light Industrial District, based on the findings of staff that:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code;
- The proposed rezoning is consistent with the surrounding zoning districts; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

Attached is a copy of the information reviewed by the Commission. This request is forwarded herewith to Council for consideration.

The Public Hearing before Council has been set for the April 18 meeting of Council.

encl.

TO:	Troy Planning Commission
FROM:	Planning Staff
DATE:	March 9, 2016
SUBJECT:	Rezoning: C06-048000 (1.243 ac.)
OWNER:	Howard Cheney
APPLICANT:	Howard Cheney

### **BACKGROUND:**

Howard Cheney has applied for Planning Commission to consider the rezoning of parcel C06-048000 (1.243 ac.) located south of the Archer Dr./Peters Rd. intersection. Currently, the property is county zoned R-1AAA Sing-Family and the applicant requests that the zoning of the parcel be rezoned to city zoning of M-2 Light-Industrial.

The land is currently undeveloped and sits between parcels of city zoned M-2 Light-Industrial to the north, south, and west. City of Troy Zoning of R-5 Single-Family exists across Peters Rd. to the east of the parcel. A map depicting the city and county surrounding zoning districts have been attached to this report.

### **DISCUSSION:**

The applicant has cited that the reason for the annexation/proposed rezoning is to seek a change that will be consistent with the adjoining properties to the north of the parcel.

The Zoning Code describes the proposed M-2 Light-Industrial zoning district as "designed to provide for industrial uses, which can be operated in such a manner as to conform to the applicable performance standards specified in the district. These performance standards regulate such uses in order to prohibit congestion and for the protection of adjacent residential and business activities."

Attached to this report is a list of all the M-2 Light-Industrial zoning districts uses.

The Comprehensive Plan's SE Future Land Use Map (Figure 14-4) displays this property as a mix of commercial and industrial uses. Figure 14-4 has been attached to this report.

**In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:**

*(A) Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.*

The proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

*(B) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.*

The proposed rezoning is not made necessary because of changing conditions in the affected area. The allowed uses in the M-2 Light-Industrial district will not have any adverse effects in the area and is consistent with the industrial zoning that exists to the north, south and west.

*(C) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.*

The allowed uses in the proposed M-2 Light-Industrial district will match the permitted uses that are currently allowed on the properties located to the north, south and west.

*(D) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.*

All utilities can be provided.

*(E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, in any, that make a substantial part of such vacant land unavailable for development.*

In the vicinity of the subject property, there is one undeveloped property with the M-2 Light-Industrial zoning classification; however that property is old railroad property and layout makes the lot undevelopable.

*(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.*

Not applicable in this request.

#### **PUBLIC HEARING:**

Due to the straight forward nature of the rezoning request, the compliance with the City of Troy Comprehensive Plan, the compatibility of the proposed zoning matching the zoning of surrounding properties, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not feel that a public hearing before the Planning Commission is warranted.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from county zoning of R-1AAA Sing-Family to city zoned M-2 Light-Industrial, based on the following:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.

Scheduled Planning Commission Meeting  
(Held every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month at 3:30 p.m.)

Date Requested: \_\_\_\_\_  
Applicant(s) scheduled on the agenda will be notified

Office Use Only

Date Filed \_\_\_\_\_  
Accepted by \_\_\_\_\_  
Filing Fee Pd. \_\_\_\_\_  
Receipt # \_\_\_\_\_

APPLICATION IS DUE TWO (2) WEEKS PRIOR TO MEETING

**APPLICATION FOR ZONING AMENDMENT  
CITY OF TROY PLANNING COMMISSION**

(MUST BE TYPED OR PRINTED LEGIBLY IN BLACK INK)

(READ SECTION 1139 OF THE ZONING CODE BEFORE COMPLETING APPLICATION)

An application for an amendment to the City of Troy, Ohio Zoning Code that would change the zoning classification for the property located at \_\_\_\_\_ 1262 Peters Road, Troy, Ohio \_\_\_\_\_  
(Street Address)

being lot number(s) \_\_\_\_\_ 10574 \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ M-2 \_\_\_\_\_  
(Parcel Identification Number) (Existing Zoning Classification) (Proposed Zoning Classification)

**OWNER**

Name \_\_\_\_\_ S. Howard Cheney \_\_\_\_\_  
Address \_\_\_\_\_ 1124 W. Main Street \_\_\_\_\_  
City \_\_\_\_\_ Troy \_\_\_\_\_  
State \_\_\_\_\_ Ohio \_\_\_\_\_  
Zip Code \_\_\_\_\_ 45373 \_\_\_\_\_  
Phone No. \_\_\_\_\_ (937) 335-6161 \_\_\_\_\_  
Fax No. \_\_\_\_\_  
Email \_\_\_\_\_

**APPLICANT**

Name \_\_\_\_\_ SAME AS OWNER \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
Zip Code \_\_\_\_\_  
Phone No. \_\_\_\_\_  
Fax No. \_\_\_\_\_  
Email \_\_\_\_\_

The applicant is the \_\_\_\_\_ OWNER \_\_\_\_\_ of the property, which is subject to this application.  
(State the interest of the applicant)

**PLEASE PROVIDE THE FOLLOWING:**

1. The reasons for seeking a change in the zoning classification or zoning text: Attach as **EXHIBIT "A"**.
2. The legal description of the land proposed to be reclassified: Attach as **EXHIBIT "B"**.
3. A site plan prepared by a registered engineer, surveyor or architect in duplicate drawn to such scale as to clearly show:
  - a. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, it's present zoning classification, existing and proposed uses: Attach as **EXHIBIT "C"**.
  - b. The present zoning classification of all surrounding lands located within two hundred and fifty (250) feet of the land proposed to be reclassified: Attach as **EXHIBIT "D"**.
  - c. A list (see example) of the names, addresses, and lot numbers of the owners of property within a radius of two hundred and fifty (250) feet from the parcel or parcels of land proposed to be reclassified: Attach as **EXHIBIT "E"**
    - i. Include one (1) copy of County Tax Maps
    - ii. Include two (2) sets of mailing labels
4. 2 complete sets (Exhibits A-E) reproducible in a format no larger than 11"x17"
5. Filing Fee of \$150.00 made payable to the City of Troy

I HEREBY DEPOSE AND SAY THAT THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL THE EXHIBITS PREPARED BY ME AND TRANSMITTED HERewith ARE TRUE.

S. Howard Cheney

*[Signature]*  
(Applicant Signature)

Subscribed and sworn to before me this 11<sup>th</sup> day of February, 20 16



My Commission Expires \_\_\_\_\_

(Month/Date/Year)

Notary Public, State of Ohio

My Commission has no expiration date.

Section 147.03 O. R. C.

Recorded In Miami County

*[Signature]*  
(Notary Public)

(For Office Use Only - Do Not Write Below This Line)

**REQUIRED DOCUMENTS:**

_____	EXHIBIT A	Reasons for Zoning Reclassification
_____	EXHIBIT B	Legal Description
_____	EXHIBIT C	Site Plan: lot dimensions, lot numbers, current zoning, existing and proposed uses
_____	EXHIBIT D	Site Map with Zoning & Owners within 250 feet of parcel
_____	EXHIBIT E	Property Owners List within 250 feet of parcel
_____	Labels	Two (2) Sets of Mailing Labels of Property Owners
_____	Copies	(1) Complete Sets in a reproducible format 11"x17"
_____	Map(s)	One (1) County Tax Map(s)
_____	Filing Fee	Check issued to City of Troy for \$150.00

Additional Documentation (List):

**PLANNING COMMISSION DISPOSITION:**

\_\_\_\_\_ PUBLIC HEARING DATE

\_\_\_\_\_ RECOMMENDATION TO CITY COUNCIL

**CITY COUNCIL DISPOSITION:**

1<sup>st</sup> Reading: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ 3<sup>rd</sup>: \_\_\_\_\_ PUBLIC HEARING DATE

\_\_\_\_\_ COUNCIL COMMITTEE RECOMMENDATION

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ CITY COUNCIL ACTION

Ordinance Number: \_\_\_\_\_

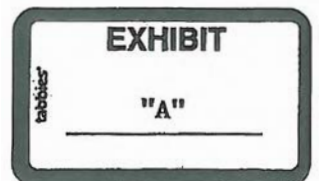
Effective Date: \_\_\_\_\_

Revised 10/25/11

## **Exhibit "A"**

### **to Cheney Zoning Amendment**

The subject real estate has recently been annexed to the City of Troy and the applicant is seeking a change in the zoning classification so that the zoning of the subject real estate will be consistent with the adjoining properties to the north of the subject real estate.





**Neil E. Teaford**  
**Professional Land Surveyor**

5260 E. Troy Urbana Road  
Casstown, Ohio 45312

Home Phone: 937 -339-4732  
Cell Phone: 937 -308-6467  
Email: nteaford@frontier.com

Land Surveying, Boundary, Construction, Elevation, Site Plans

**1.243 Acre Tract**  
**for**  
**S. Howard Cheney**  
**Annexation to the City of Troy**

Situated in the Township of Concord, State of Ohio and the County of Miami and further described as follows: Being a part of the Northwest Quarter of Section 33, Town 5, Range 6 East:

Beginning at a point which marks the Northwest corner of the Northwest Quarter of Section 33, Town 5, Range 6 East:

thence North  $88^{\circ}06'50''$  East, a distance of 184.23 feet to the POINT OF BEGINNING;

thence North  $88^{\circ}06'50''$  East, a distance of 476.21 feet to a point on the centerline of Peters Road;

thence South  $01^{\circ}02'45''$  East with the centerline of Peters Road, a distance of 96.57 feet to a point;

thence South  $87^{\circ}14'25''$  West, a distance of 600.40 feet to a point;

thence North  $48^{\circ}00'50''$  East, a distance of 164.15' to the POINT OF BEGINNING; said described tract containing 1.243 Acres, more or less, same being subject to all legal easements and restrictions of record.

Description prepared by Neil E. Teaford, Professional Surveyor #7724.

This description is not valid without original seal and signature



- (a) Purpose. The "M-2" Light Industrial District is designed to provide for industrial uses, which can be operated in such a manner as to conform to the applicable performance standards specified in the district. These performance standards regulate such uses in order to prohibit congestion and for the protection of adjacent residential and business activities.
- (b) Principal Permitted Uses only those uses set forth below which continuously conform to all the requirements of divisions (d) through (f) of this section shall be permitted:

- Agricultural implement sales and service.
- Agricultural uses.
- Auction sales.
- Automobile fuel dispensing station.
- Automobile parking garages.
- Automobile parking lots.
- Automobile repair garages – including body work.
- Bakeries – wholesale sales.
- Beverage distributors and bottling plants.
- Bone, canvas, cellophane, clay, cloth, cork, feathers, felt – manufacturing, assembling, compounding, or treatment (or any combination of these processes).
- Building material sales and storage facilities.
- Carpentry shops.
- Cash advance businesses.
- Cement block and formed products manufacturing.
- Cold storage plants.
- Commercial greenhouses and nurseries.
- Contractor sales, storage and equipment yards.
- Crematoriums (pet and human).
- Dairy and food product processing and packaging.
- Driver training schools (trucks).
- Dry cleaning – commercial.
- Electrical and electronic products, components and equipment – manufacturing, assembling or repair.
- Equipment rental services, including cars, trucks and trailers.
- Exterminating services.
- Fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious stone or metal, sheet metal, shell, textiles, tobacco, wax, wire and wood, but not including as a principal operation, the manufacture of such substances.
- Food brokers – retail, wholesale and storage without processing.

- Frozen food lockers.
- Garden stores.
- Government buildings, structures, or premises used exclusively by federal, state, county, township, or municipal governments for public purposes, but not including work shops, warehouse, or open material storage.
- Government buildings, structures, or premises used exclusively by federal, state, county, township or municipal governments for public purposes, provided open storage areas are screened.
- Heating, A/C, electric and plumbing sales, service and repair.
- Liquid fuel, petroleum products, petroleum, and volatile oils – bulk storage stations in accordance with Section 1143.18(g) hereof.
- Machine shops, tool and die shops.
- Machinery and heavy equipment rental, sales and storage.
- Manufacturing, assembling or repair of medical, dental, optical and similar precision instruments or appliances.
- Meat processing and packaging, exclusive of slaughtering.
- Medical and dental laboratories.
- Metal products, excluding structural steel and foundry products or product from previously prepared materials – manufacturing, compounding, assembling or treatment (or any combination of these processes).
- Moving and storage companies.
- Musical instruments – manufacturing, assembling or repair.
- Novelties, toys and rubber products – manufacturing, assembling or repair.
- Pawn shops.
- Pharmaceutical products, including cosmetics, toiletries and perfumes, but excluding the manufacture of soap from raw materials or products previously prepared – manufacturing, compounding, assembling, or treatment (or any combination of these processes).
- Pool Halls.
- Printing, publishing, binding and typesetting plants.
- Private clubs.
- Public utility.
- Railroad stations, depots, train yards, classification yards and team tracks.
- Research and engineering laboratories.
- Sales offices and service centers.
- Sawing and planing mills.
- Sexually oriented business.
- Sign painting and manufacture.

- Stone products processing and manufacturing.
- Tattoo parlors.
- Truck fuel dispensing stations.
- Truck repair facility.
- Truck sales and service.
- Truck washing facility.
- Trucking and motor freight terminals.
- Watches and clocks, including clock operated devices – manufacturing, assembling or repair.
- Water filtration plants and pumping stations.
- Wholesale houses, warehouse and other storage facilities

(c) Permitted Accessory Uses. The following are permitted as accessory uses subject to the provisions of Section 1151.04 of this Zoning Code:

- (1) Refuse Dumpsters.
- (2) A structure for storage incidental to a permitted use.
- (3) Off-street parking and loading as regulated in Sections 1153 and 1155 of this Zoning Code.
- (4) Any use which is customarily found in conjunction with principal use as approved by the Planning Commission.

(d) Lot Size Requirements Each separate zoning lot in the “M-2” Light Industrial District shall:

- (1) Contain a minimum lot area of twenty thousand (20,000) square feet.
- (2) Have a minimum lot width of one hundred (100) feet.
- (3) Have a minimum lot depth of two hundred (200) feet.
- (4) Have a maximum lot depth to lot width ratio of 3:1 except on cul-de-sacs lots and other lots bearing unique topography.

(e) Buffer Strips. A buffer strip shall be established on the lot being developed in the “M-2” Light Industrial District when it abuts the following zoning districts:

- (1) A, A-R, R-1 to R-7: A minimum of twenty-five (25) feet in width.

(f) Bulk Regulations. All construction on any zoning lot in the “M-2” Light Industrial District shall provide for:

- (1) Maximum building lot coverage of eighty (80) percent.
- (2) Maximum structure height of forty (40) feet, but not more than the horizontal distance of the closest part of the structure from the nearest lot line. The Planning Commission may allow for a higher structure upon review of the specific circumstances and proximity to non-industrial neighboring uses.
- (3) Minimum front yard of twenty-five (25) feet.

- (4) Minimum side yard of ten (10) feet or half the building height, whichever is greater.
- (5) Minimum rear yard of twenty-five (25) feet or half the building height, whichever is greater.
- (6) Minimum transitional yards as follows:
  - A. Where a side lot line coincides with a side or rear lot line in an adjacent residence district, then a side yard shall be provided along the side lot line that is equal in width to one-half ( $\frac{1}{2}$ ) of the building height.
  - B. Where a rear lot line coincides with a side or rear lot line in a residence district, then a rear yard shall be provided along the rear lot line that is equal in width to one-half ( $\frac{1}{2}$ ) the building height. When separated by an alley, one-half ( $\frac{1}{2}$ ) the alley width may be used as part of the required yard.
  - C. Where a side lot line lies across the street from the front yard of residential structures located in a residence district, then a side yard shall be provided along the side lot line that is not less than twenty-five (25) feet in depth.
  - D. Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residence district on the same block, then a front or side yard equal in depth to the minimum front yard required by this Zoning Code in the adjacent residence district shall be provided along the front or side lot line for the remainder of the block, including the width of any intervening alley.
  - E. Where a front lot line lies across the street from a side lot line in a residential district, then a front yard shall be provided along the front lot line that is not less than twenty-five (25) feet in depth.
  - F. Where a front lot line lies across the street from a side lot line in a residential district, then a front yard shall be provided along the front lot line which is not less than the required front yard for the residential lot.
  - G. Where the extension of a front or side lot line coincides with a side lot line of an adjacent lot in a residence district on the same block, then a yard equal in depth to the minimum side yard required by this Zoning Code in the adjacent residence district shall be provided along the front or side lot line for the remainder of the block, including the width of any intervening alley.

(g) Development Standards. All development in the “M-2” Light Industrial Zoning District shall be subject to the applicable provisions of Sections 1147 through 1159 of this Zoning Code and the following standards:

- A. Any use constructed, established, altered or enlarged in the “M-2” Light Industrial District shall be operated so as to comply with the

approved development plan and with the following standards. No use already established shall be altered or modified so as to conflict with, or further conflict with, the applicable standards established hereinafter for the "M-2" Light Industrial District.

- B. Noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be subject to the provisions of Section 1157 of this Zoning Code.
- C. No emission of toxic or noxious matter, which is injurious to human health, comfort, or enjoyment of life and property or to animal or plant life, shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.
- D. Vibrations, which can be detected without the use of instruments at or beyond the lot lines, are prohibited.
- E. Exterior lighting shall be in accordance with the provisions of Section 1157 of this Zoning Code. All fixtures shall be shielded so that no direct light is cast upon any property located in a residential zoning district.
- F. No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- G. All premises shall be furnished with all-weather hard surfaced walks of a material such as bituminous or Portland cement, concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted and landscaped.
- H. The storage, utilization, or manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:
  - 1. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, but only if these materials or products are stored, utilized, or manufactured within completely enclosed buildings meeting applicable building codes.
  - 2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gasses shall be provided with adequate safety and protective devices against hazards or fire and explosion, as required by applicable building codes.
  - 3. The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products, which decompose by detonation, is prohibited. The storage of limited amounts of such materials may be permitted if permitted by applicable building codes.

4. The manufacture of flammable liquids or materials, which produce flammable or explosive vapors or gases, is prohibited.
  5. The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be permitted on any lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids".
- I. The handling of radioactive materials, the discharge of such materials into the air and water and the disposal of radioactive wastes shall be in strict conformance with:
1. The applicable regulations of the Atomic Energy Commission and/or the Environmental Protection Agency.
  2. The applicable regulations of any instrumentality of the state.

J. Sexually Oriented Business

1. No sexually oriented business shall be established or operated within seven hundred and fifty (750) feet of any of the following:
  - I. A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
  - II. A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and incidentally as a school;
  - III. A boundary of a residence district as defined in the Troy Zoning Code;
  - IV. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, a playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness

areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities;

- V. An entertainment business which is oriented primarily towards children or family entertainment; or
- VI. The right-of-way of any divided, limited access highway including Interstate Route 75.

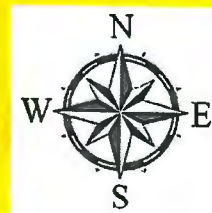
2. No sexually oriented business shall be established within a radius of one thousand (1,000) feet of any other sexually oriented business or within a radius of one thousand (1,000) feet of any two (2) of the following establishments:

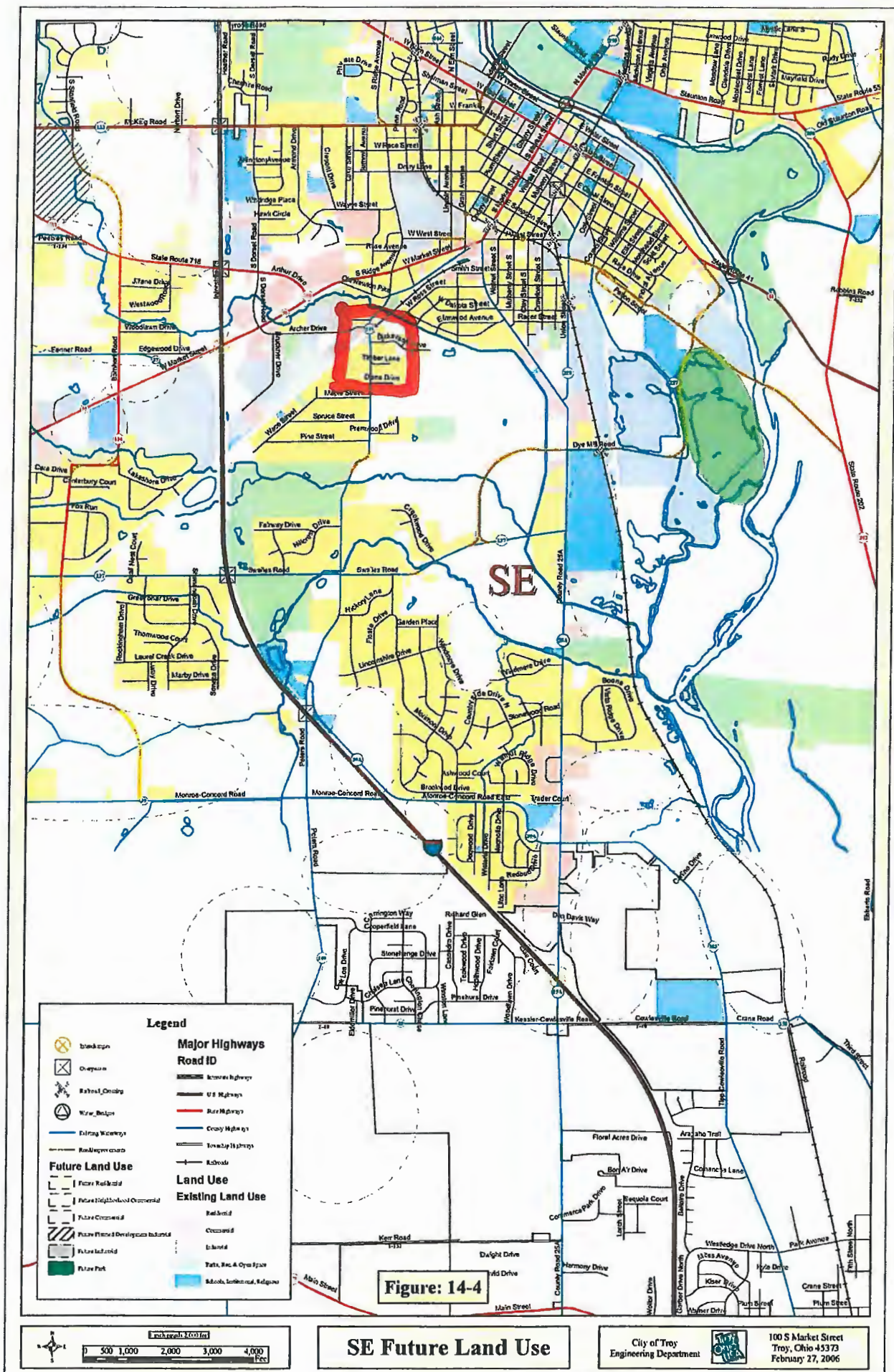
- I. Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- II. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
- III. Pawn shops.
- IV. Pool or billiard halls.
- V. Coin operated amusement centers.
- VI. Dance halls and discotheques.
- VII. Massage parlors.

3. Signs for sexually oriented businesses shall be regulated as follows:

- I. Wall signs:
  - (i) Shall only contain the name of the business establishment.
  - (ii) May be illuminated.
  - (iii) Shall not exceed twenty-four (24) square feet.
  - (iv) Shall not be animated or flashing.
- II. Window or door signs:
  - (i) Shall not be illuminated.
  - (ii) Shall not exceed five (5) per cent of the surface area upon which such sign is attached.
- III. Electronically changeable copy signs are prohibited.

- IV. Exterior lighting shall not be colored and shall be restricted to shades of white.
- V. Exterior lights shall not be flashing, or changing in color or intensity.
- VI. Neon stripes or similar illuminated architectural ornamentations are prohibited.
- VII. Searchlights or similar promotional devices are prohibited.
- VIII. Pennants, streamers, banners, hot air or cold-air inflated structures or figures, balloons and similar architectural ornamentations and/or decorations, which direct attention of passerby to the premises, are prohibited. These shall include, but not be limited to abstract paint schemes, multi-colored stripes, murals, steeples, sculptures, and topiary landscaping.
- IX. All other signs are prohibited.





ORDINANCE No. 0-22-2016

Payson Legal Blank, Inc.

by Brukner Dr

**ORDINANCE CHANGING THE ZONING OF INLOT 9678  
(PARCEL NO. D08-105060) IN THE CITY OF TROY, OHIO  
FROM THE DUAL ZONING OF M-2, LIGHT INDUSTRIAL  
DISTRICT AND B-2, GENERAL BUSINESS DISTRICT TO  
THE SINGLE ZONING OF B-2, GENERAL BUSINESS  
DISTRICT**

**WHEREAS**, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio, to rezone Inlot 9678 (Parcel No. D08-105060) in the City of Troy, and

**WHEREAS**, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval, and

**WHEREAS**, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation,

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Troy, Ohio as follows:

**SECTION I:** That the zoning of Inlot 9678 (Parcel No. D08-105060) in the City of Troy, and as shown on Exhibit A attached hereto, is changed from the dual zoning of M-2, Light Industrial District, and B-2, General Business District, to the single zoning of B-2, General Business District.

**SECTION II:** That this Ordinance shall be effective at the earliest date allowed by law:

Adopted: \_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council Mayor

Legal Description

Situate in the State of Ohio, County of Miami, and City of Troy to wit;

Being all of Inlot 9678, in said City of Troy, as evidenced on the  
F.A. Archer Partnership Plat in Plat Book 20, Page 69 of the Plat  
Records of Miami County, Ohio.

Parcel No. D08-105060



**MEMORANDUM**

**TO:** Mrs. Baker, President, Troy City Council

**FROM:** Sue Knight, for the Troy Planning Commission

**DATE:** March 20, 2016

**SUBJECT:** **REPORT OF THE PLANNING COMMISSION ON THE REZONING OF INLOT 9678 (PARCEL # D08-105060) FROM THE DUAL ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT, AND B-2, GENERAL BUSINESS DISTRICT, TO THE SINGLE ZONING OF B-2, GENERAL BUSINESS DISTRICT. THE PROPERTY OWNER IS EARTHART BROTHERS LEASING, LLC, AND THE APPLICANT IS J. TIM LOGAN.**

On March 9, 2016 the Troy Planning Commission considered the rezoning of Inlot 9678 (parcel # D08-105060) from the dual zoning of M-2, Light Industrial District, and B-2, General Business District, to the single zoning of B-2, General Business District. This lot consists of 1.649 acres and is located adjacent to 1201 Brukner Drive. The property owner is Earhart Brothers Leasing, LLC, and the applicant is J. Tim Logan.

The Planning Commission determined not to hold a public hearing on this rezoning application.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Inlot 9678 (parcel # D08-105060) be rezoned from the dual zoning of M-2, Light Industrial District, and B-2, General Business District, to the single zoning of B-2, General Business District, based on the findings of staff that:

- The area has similar "buffer" zoning to the north of the proposed zoning classification; and
- The parcel meets the bulk requirements for an B-2 zoned property and fits the proposed use well; and
- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code.

Attached is a copy of the information reviewed by the Commission. This request is forwarded herewith to Council for consideration.

The Public Hearing before Council has been set for the April 18 meeting of Council.

encl.

<b>TO:</b>	Troy Planning Commission
<b>FROM:</b>	Planning Staff
<b>DATE:</b>	March 9, 2016
<b>SUBJECT:</b>	Rezoning: Parcel #D08-105060 Brukner Dr.
<b>OWNER:</b>	Earhart Brothers Leasing, LLC
<b>APPLICANT:</b>	J. Tim Logan-Miller Valentine Group Realty Services

#### **BACKGROUND:**

The applicant and agent, J. Tim Logan-Miller Valentine Group Realty Services, has applied for Planning Commission to consider the rezoning of Parcel # D08-105060. Currently, parcel # D08-105060 is dual zoned as M-2 Light Industrial and B-2 General Business District. The request is to rezone the entire parcel to B-2 General Business District.

This parcel is adjacent to 1201 Brukner Dr. which is also owned by Earhart Brothers Leasing, LLC. A map depicting the surrounding zoning districts has been attached to this report for reference.

#### **DISCUSSION:**

The applicant has cited the following reason for the proposed rezoning, and that is;

- This parcel is comprised of 1.649 acres and is dual zoned. 1.216 acres is zoned M-2 Light Industrial and the remaining 0.43 acres is zoned B-2 General Business District. The owners wish is to rezone this parcel solely to B-2 General Business District to correct the current dual zoning. The owner also owns the parcel immediately north, known as 1201 Brukner Dr. and this location is currently zoned B-2 General Business District.

This area of the City is dominated primarily by B-2 General business District to the west and north and M-2 Light Industrial District to the east and south. An illustration is included showing the surrounding zoning districts along with the permitted uses for both the B-2 and M-2 districts.

The Zoning Code describes the B-2 General Business District as being "intended to provide for the development of major retail shopping areas and centers outside the downtown area. These districts include much of the strip of commercial property existing along the major streets of the City. The uses permitted are intended to accommodate the general retail consumer."

It is staff's opinion that adjoining properties will not have any adverse effect from the proposed rezoning. The proposed M-2 district permits the greatest flexibility to the future use of the property. Protective buffers, mounds and trees, are already in place for the protection of the surrounding residential properties.

The Comprehensive Plan's Future Land Use (Figure 14-5) shows the surrounding area to be a mix of business and industrial. The Comprehensive Plan also depicts the goal of the reuse of vacant or underutilized commercial and industrial property within the City.

**In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:**

*(A) Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.*

The proposed rezoning is consistent with the Zoning Code, specifically with sections 1131.02(e), and (r). These sections dictate the intent and purpose of the Zoning Code. These sections are listed below:

- 1131.02(e) "To separate incompatible land uses and to cluster compatible and mutually supportive land uses".
- 1131.02(r) "To direct particular land uses to the parcels of land best suited for them..."

The rezoning is consistent with the above listed intentions of the Zoning Code.

*(B) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.*

The application was not submitted based upon any changing conditions in the area.

*(C) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.*

The use is compatible with the existing parcels of land located around the proposed rezoning area.

*(D) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.*

All utilities are provided.

*(E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, in any, that make a substantial part of such vacant land unavailable for development.*

There are no special circumstances.

*(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.*

Not applicable in this request.

**PUBLIC HEARING:**

Due to the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not feel that a public hearing before the Planning Commission is warranted.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the rezoning from M-2, Light Industrial District to B-2 general Business District, based on the following:

- The area has similar “buffer” zoning to the north of the proposed zoning classification; and
- The parcel meets the bulk requirements for an B-2 zoned property and fits the proposed use well; and
- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code.

Scheduled Planning Commission Meeting  
(Held every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month at 3:30 p.m.)

Date Requested: March 9, 2016  
Applicant(s) scheduled on the agenda will be notified

**Office Use Only**

Date Filed \_\_\_\_\_  
Accepted by \_\_\_\_\_  
Filing Fee Pd. \_\_\_\_\_  
Receipt # \_\_\_\_\_

APPLICATION IS DUE TWO (2) WEEKS PRIOR TO MEETING

**APPLICATION FOR ZONING AMENDMENT  
CITY OF TROY PLANNING COMMISSION**

(MUST BE TYPED OR PRINTED LEGIBLY IN BLACK INK)

(READ SECTION 1139 OF THE ZONING CODE BEFORE COMPLETING APPLICATION)

An application for an amendment to the City of Troy, Ohio Zoning Code that would change the zoning classification for the property located at Inlot 9678 Brukner Drive

Inlot 9678

(Street Address)

being lot number(s) Parcel D08-105060 from M-2 Light Industrial to B-2 General Business  
(Parcel Identification Number) (Existing Zoning Classification) (Proposed Zoning Classification)

**OWNER**

Name Earhart Brothers Leasing, LLC  
Address 1494 Lytle Road  
City Troy  
State Ohio  
Zip Code 45373  
Phone No. (937)875-1047  
Fax No. (937)339-5352  
Email searhart@earhartcompany.com

**APPLICANT**

J. Tim Logan  
Name Miller Valentine Group Realty Services  
Address 137 North Main Street, Suite 900  
City Dayton  
State Ohio  
Zip Code 45402  
Phone No. (937)528-4009  
Fax No. (937)228-4079  
Email tim.logan@mvg.com

The applicant is the Agent of the owner of the property, which is subject to this application.  
(State the interest of the applicant)

**PLEASE PROVIDE THE FOLLOWING:**

1. The reasons for seeking a change in the zoning classification or zoning text: Attach as **EXHIBIT "A"**.
2. The legal description of the land proposed to be reclassified: Attach as **EXHIBIT "B"**.
3. A site plan prepared by a registered engineer, surveyor or architect in duplicate drawn to such scale as to clearly show:
  - a. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, it's present zoning classification, existing and proposed uses: Attach as **EXHIBIT "C"**.
  - b. The present zoning classification of all surrounding lands located within two hundred and fifty (250) feet of the land proposed to be reclassified: Attach as **EXHIBIT "D"**.
  - c. A list (see example) of the names, addresses, and lot numbers of the owners of property within a radius of two hundred and fifty (250) feet from the parcel or parcels of land proposed to be reclassified: Attach as **EXHIBIT "E"**
    - i. Include one (1) copy of County Tax Maps
    - ii. Include two (2) sets of mailing labels
4. 2 complete sets (Exhibits A-E) reproducible in a format no larger than 11"x17"
5. Filing Fee of \$150.00 made payable to the City of Troy

I HEREBY DEPOSE AND SAY THAT THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL THE EXHIBITS PREPARED BY ME AND TRANSMITTED HERewith ARE TRUE.

\_\_\_\_\_  
(Applicant Signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

My Commission Expires \_\_\_\_\_  
(Month/Date/Year)

\_\_\_\_\_  
(Notary Public)

\_\_\_\_\_  
(For Office Use Only - Do Not Write Below This Line)

**REQUIRED DOCUMENTS:**

EXHIBIT A	Reasons for Zoning Reclassification
EXHIBIT B	Legal Description
EXHIBIT C	Site Plan: lot dimensions, lot numbers, current zoning, existing and proposed uses
EXHIBIT D	Site Map with Zoning & Owners within 250 feet of parcel
EXHIBIT E	Property Owners List within 250 feet of parcel
Labels	Two (2) Sets of Mailing Labels of Property Owners
Copies	(1) Complete Sets in a reproducible format 11"x17"
Map(s)	One (1) County Tax Map(s)
Filing Fee	Check Issued to City of Troy for \$150.00

Additional Documentation (List):

(15) Cc

**PLANNING COMMISSION DISPOSITION:**

\_\_\_\_\_  
PUBLIC HEARING DATE

\_\_\_\_\_  
RECOMMENDATION TO CITY COUNCIL

**CITY COUNCIL DISPOSITION:**

1<sup>st</sup> Reading: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ 3<sup>rd</sup>: \_\_\_\_\_ PUBLIC HEARING DATE

\_\_\_\_\_  
COUNCIL COMMITTEE RECOMMENDATION

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ CITY COUNCIL ACTION

Ordinance Number: \_\_\_\_\_

Revised 10/25/11

## EXHIBIT A

### Reasons for Change of Zoning

The property currently has two zoning classifications. Part is zoned B-2 and part is zoned M-2.

The owner of this lot wishes to change the part of the property which is the southerly 1.216 acres from M-2 to B-2 so that the entire parcel 1.649 acres is zoned B-2. The owner also owns the adjoining lot to the north which is zoned B-2. This change would correct a current inconsistency.

## EXHIBIT B

### Legal Description

Situate in the State of Ohio, County of Miami, and City of Troy to wit:

Being all of Inlot 9678, in said City of Troy, as evidenced on the F.A. Archer Partnership Plat in Plat Book 20, Page 69 of the Plat Records of Miami County, Ohio.

Parcel No. D08-105060

EXHIBIT C

# F.A. ARCHER PARTNERSHIP REPLAT

BEING A REPLAT OF INLOT 7596 AND PART INLOT 7596,  
CITY OF TROY, AS ACQUIRED BY F.A. ARCHER PARTNERSHIP,  
BY DEED BOOK 415 PAGE 362.

VOLUME 20 PAGE 69  
MIAMI COUNTY RECORDER'S  
RECORD OF PLATS.  
RECEIVED FOR RECORD THIS 4<sup>th</sup>  
DAY OF NOVEMBER, 2003, AT 11:14 AM  
FILE NO. 0386501 FEB \$ 13.20

John D. Brown  
MIAMI COUNTY RECORDER  
Christine Jackson  
BY DEPUTY

WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LANDS  
SHOWN HEREIN REPLATTED, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION  
OF SAID REPLAT.  
EASEMENTS SHOWN OR NOTED ON THIS PLAT ARE FOR THE CONSTRUCTION, MAINTENANCE,  
REPAIR, REPLACEMENT OR REMOVAL OF OPEN DITCH WATER DRAINAGE OR OPERATION OF  
GAS, SEWER, WATER, ELECTRIC, TELEPHONE, OR OTHER UTILITY LINES OR SERVICES AND  
FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS  
TO THE FREE USE OF SAID UTILITIES AND FOR PROVIDING INGRESS AND EGRESS TO THE  
PROPERTY FOR SAID PURPOSES AND ARE TO BE MAINTAINED AS SUCH FOREVER.

John D. Brown  
F.A. ARCHER PARTNERSHIP

STATE OF OHIO, COUNTY OF MACON  
BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF OHIO, PERSONALLY APPEARED  
THE ABOVE SIGNED PARTIES, WHO ACKNOWLEDGED THAT THEY DID SIGN SUCH INSTRUMENT  
AND THAT SAID INSTRUMENT IS THEIR FREE ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL  
SEAL AT Highland, OH, THIS 22<sup>nd</sup> DAY OF Sept, 2003.

Nancy D. Lowe  
NOTARY PUBLIC

My Commission Expires 01-17-2006  
MY COMMISSION EXPIRES

THIS REPLAT WAS REVIEWED AND APPROVED THIS 29<sup>th</sup> DAY OF OCTOBER, 2003

Steven D. Luffel  
PUBLIC WORKS ENGINEER

APPROVED AND TRANSFERRED THIS 4<sup>th</sup> DAY OF Nov, 2003.

Chris A. Pearson  
MIAMI COUNTY ASSESSOR

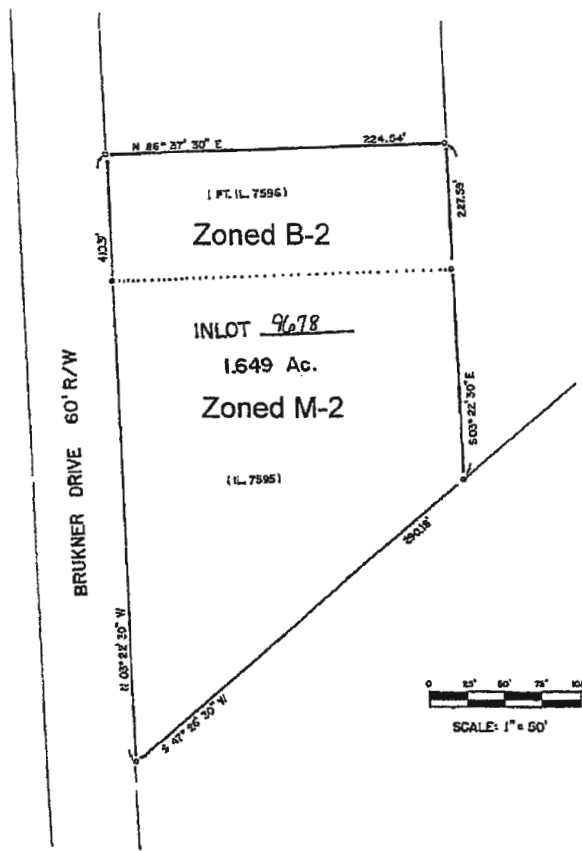
Linda L. Vranas  
BY DEPUTY

I HEREBY CERTIFY THIS PLAT TO BE CORRECT BASED ON AN ACTUAL SURVEY.

Richard W. Lockner  
PROFESSIONAL SURVEYOR NO. 4370

REFERENCES  
RECORD PLAT 16 PG. 27  
LOT SURVEY 22 PG. 28

LEGEND  
• IRON PIN FOUND



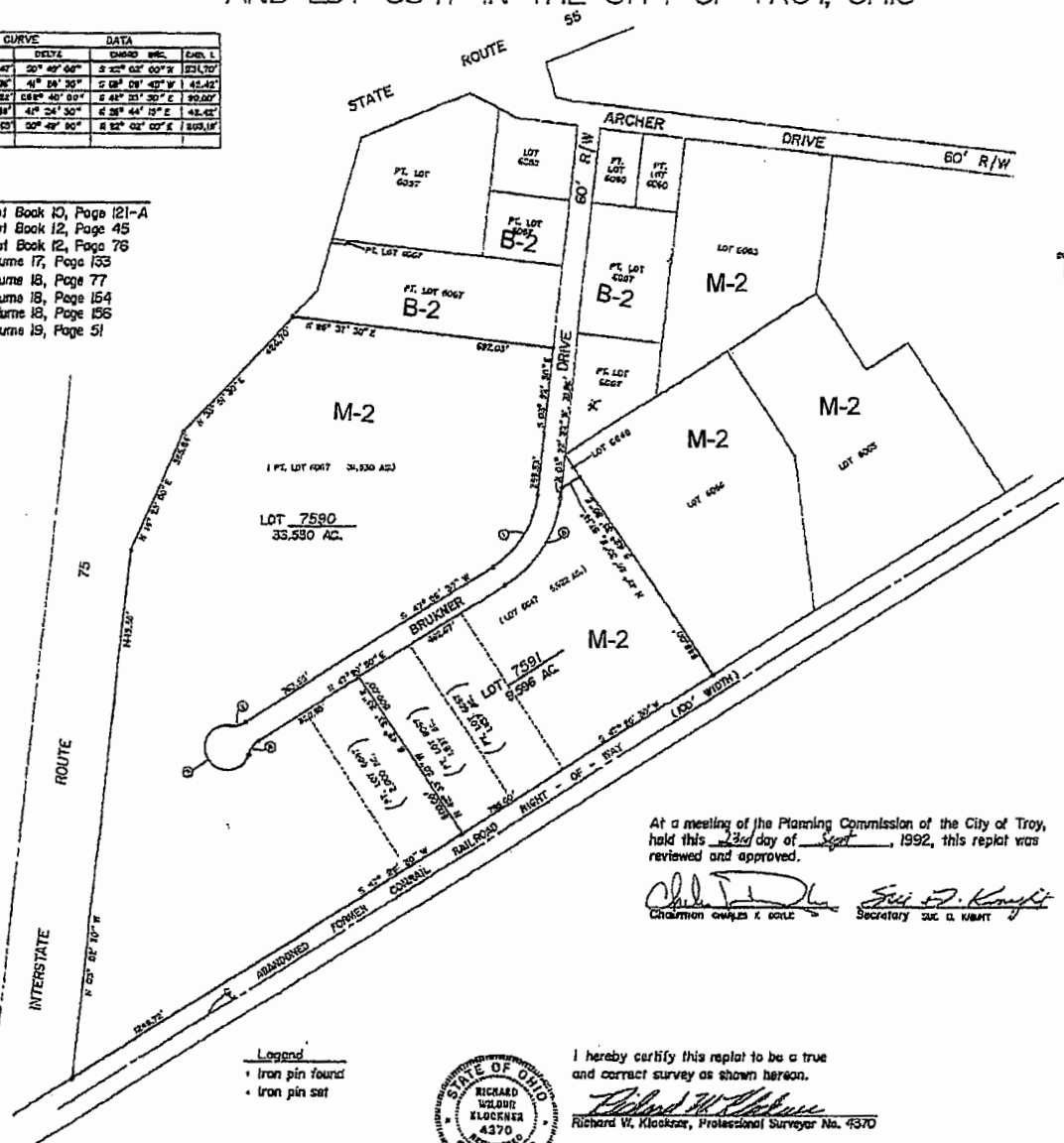
ARCHER REPLAT TROY, OHIO		
F.A. ARCHER PART.		
RICHARD W. LOCKNER & ASSOC., INC. CIVIL ENGINEERING & LAND SURVEYING TROY, OHIO 45373 (937) 339-5331		
DATE: 3 AUG 2003	DRAWN BY: DV CHECKED BY: <u>[Signature]</u>	SHEET NO. 1 OF 1
SCALE: 1" = 50'		

# REPLAT OF PARTS OF LOT 6057, PART OF LOT 6060, PARTS OF LOT 6067, AND LOT 6647 IN THE CITY OF TROY, OHIO

STATION	CURVE	DATA
1	770.00'	239.42' 50° 40' 00" S 22° 02' 00" W 231.70'
2	40.00'	40.00' 4° 00' 30" S 08° 00' 00" W 45.42'
3	40.00'	87.54' 68° 40' 00" S 44° 33' 30" E 99.92'
4	40.00'	43.34' 4° 24' 30" S 08° 44' 15" E 43.42'
5	330.00'	330.00' 50° 40' 00" S 22° 02' 00" W 330.00'

## References

Recorder's Plat Book 10, Page 121-A  
Recorder's Plat Book 12, Page 45  
Recorder's Plat Book 12, Page 76  
Lot Survey Volume 17, Page 133  
Lot Survey Volume 18, Page 77  
Lot Survey Volume 18, Page 154  
Lot Survey Volume 18, Page 156  
Lot Survey Volume 19, Page 51



At a meeting of the Planning Commission of the City of Troy, held this 23rd day of Sept, 1992, this replat was reviewed and approved.

Richard W. Klockner Chairman  
Eric D. Kuyt Secretary

I hereby certify this replat to be a true and correct survey as shown hereon.

Richard W. Klockner  
Richard W. Klockner, Professional Surveyor No. 4370

Volume 16 Page 27  
Miami County Recorder's Plat Records  
Received for record this 23rd day of  
September, 1992, at 3:26 p.m.  
File Number 132916 Fee \$43.20

Orville E. Ginn  
Orville E. Ginn, Miami County Recorder

Barbara Mueller  
by Deputy

## Description

Being a replat of parts of Lot 6057, part of Lot 6060, parts of Lot 6067, and Lot 6647 in the City of Troy, Miami County, Ohio, as shown in Miami County Recorder's Plat Book Volume 10, Page 121-A, and Plat Book Volume 12, Page 45.

We, the undersigned, being all the owners and lienholders of the land shown herein replatted, do hereby voluntarily consent to the execution of said replat.  
FA ARCHER PARTNERSHIP LTD.

Richard W. Klockner Witness  
GENERAL PARTNER

Kristina M. Fields Witness

Witness

Witness

State of Ohio, County of Miami S.S.

Before me, a Notary Public in and for the State of Ohio, personally appeared the above signed parties, who acknowledged that they did sign such instrument, and that said instrument is their free act and deed.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal at TROY, Ohio, this 23rd day of SEPTEMBER, 1992.

Richard W. Klockner Notary Public  
My commission expires October 23, 1995.

This replat reviewed and approved this 23rd day of September, 1992.

Chris A. Peoples  
Chris A. Peoples, Miami County Auditor

Barbara Mueller  
by Deputy

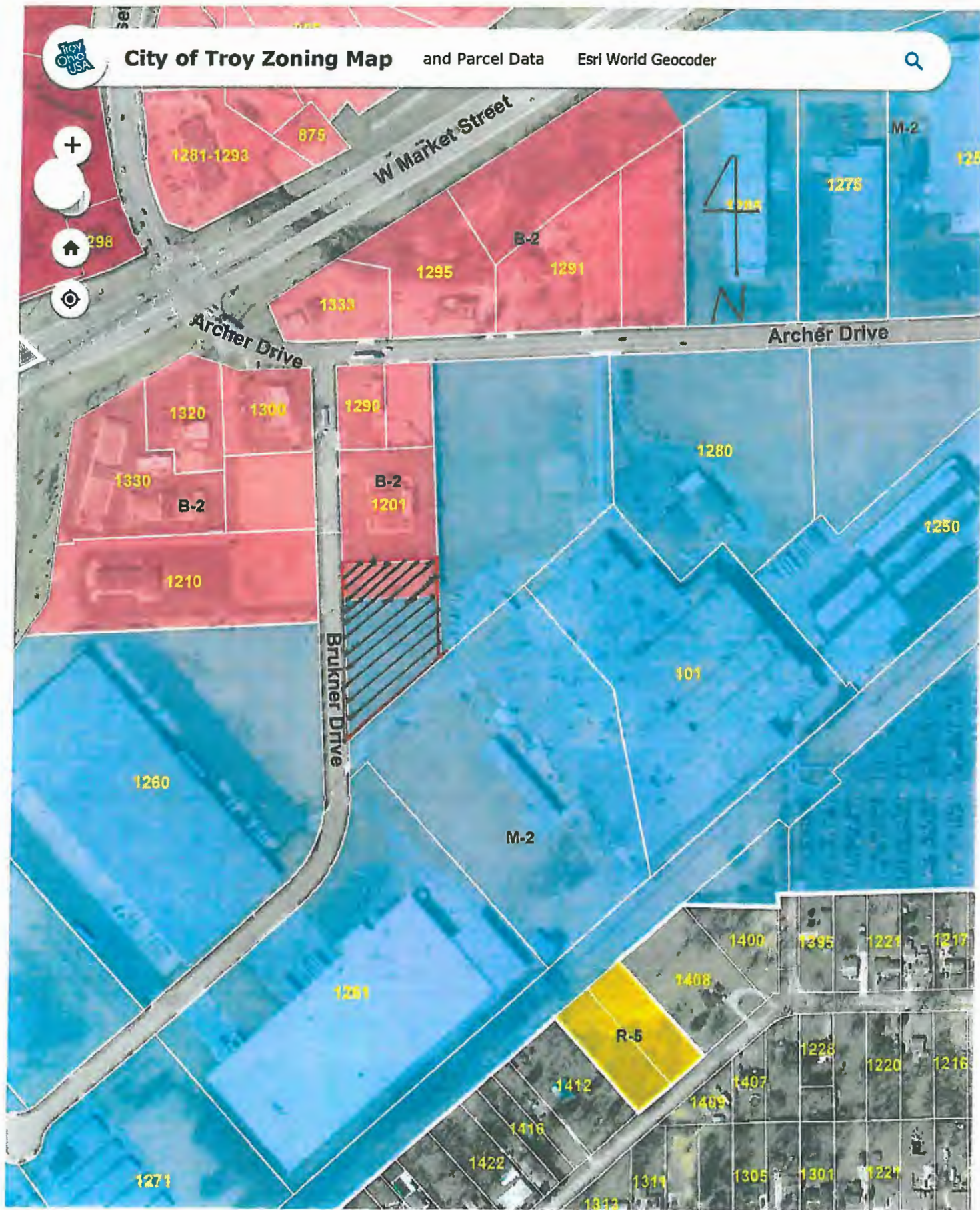
REPLAT OF PARTS OF LOT 6057, PART OF LOT 6060, PARTS OF LOT 6067, AND LOT 6647 IN THE CITY OF TROY, OH.	
FA ARCHER PARTNERSHIP LTD. TROY, OH.	
RICHARD W. KLOCKNER & ASSOCIATES, INC. CIVIL ENGINEERS & LAND SURVEYORS TROY, OHIO 43073 (601) 388-5551	
DATE	SHEET NO.
Aug. 13, 1992	1 of 2
TRACED BY: R.W.K.	CHECKED BY: R.W.K.
SCALE: 1" = 200'	

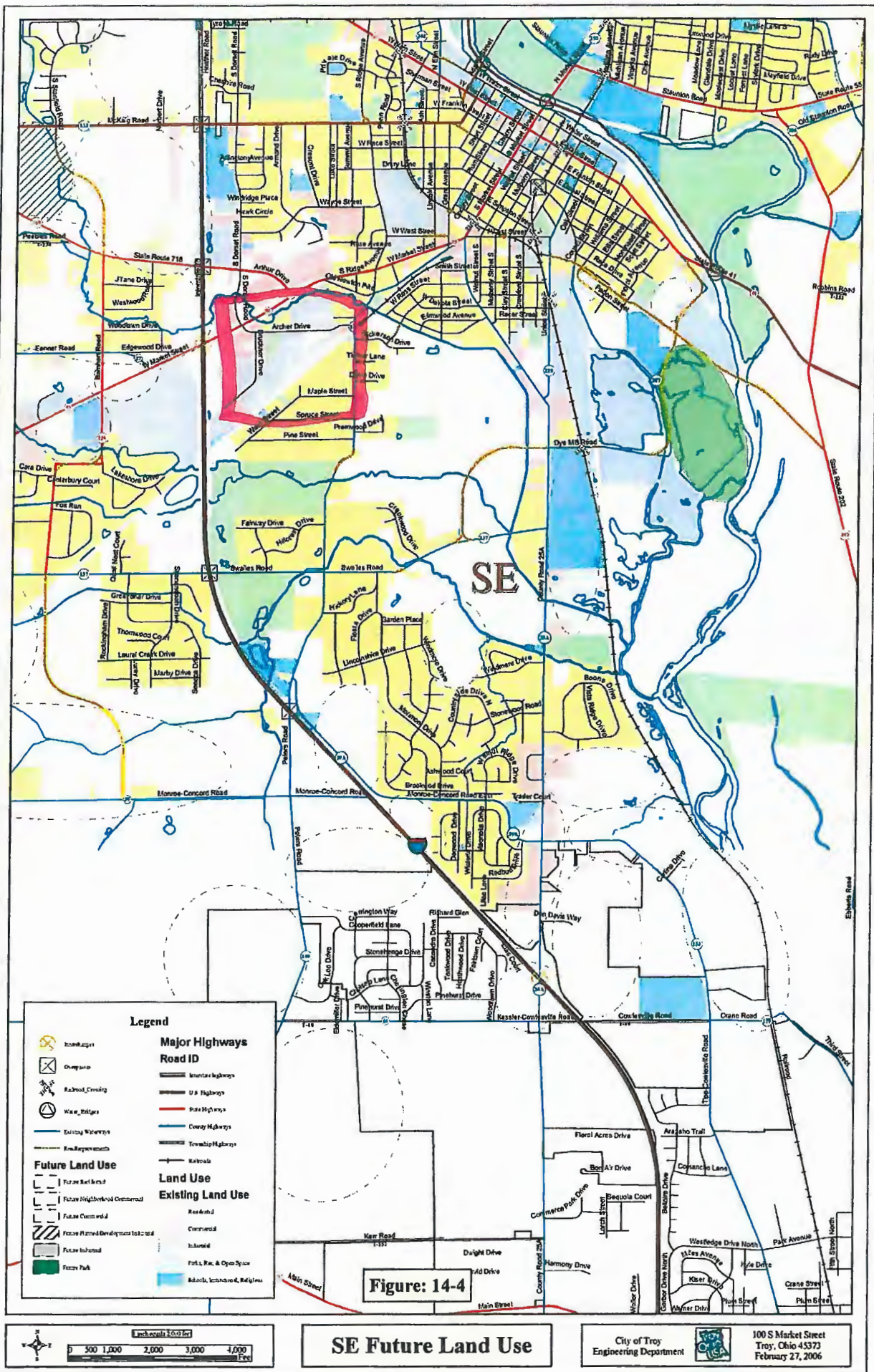
## EXHIBIT E

### Property Owners Within 250 feet of Inlot 9678

<u>Lot #</u>	<u>Owner</u>	<u>Mailing Address</u>
6063, 6065, 6066	BF Goodrich Co	8 Farm Springs Road Farmington, CT 06032
7591	Tenoh, LLC	PO Box 1107 Effingham, IL 62401
7997	JES OH Troy 212 LLC	2335 S. Wacker Drive Suite 350 Chicago, IL 60606
6067	BPV Inc.	3401 S. Keystone Avenue Indianapolis, IN 46237
7593	FA Archer Partnership	2600 NE 14 <sup>th</sup> Causeway Street Pompano Beach, FL 33062
7596	Earhart Brothers Leasing, LLC	1494 Lytle Road Troy, OH 45373







**ORDINANCE No.** 0-24-2016

Dayton L.C. Blank, Inc.

**ORDINANCE AUTHORIZING THE TRANSFER OF THE  
OWNERSHIP OF PART OF OUTLOT 91 TO THE TROY  
CITY SCHOOL DISTRICT BOARD OF EDUCATION**

**WHEREAS**, the City of Troy, Ohio currently owns real estate known as part of Outlot 91, located to the rear of the Lincoln Community Center; and

**WHEREAS**, the land to the front of Lincoln Community Center, on which the Center building is constructed is owned by the Troy City School District Board of Education; and

**WHEREAS**, the City of Troy, Ohio has no need to retain ownership of said land and it would be prudent to have the land involved with Lincoln Community Center under the common ownership of the Troy City School District Board of Education.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of The City of Troy, Ohio as follows:

**SECTION I:** That the Director of Public Service and Safety for the City of Troy, Ohio, is authorized to execute any documents necessary for the transfer of the part of Outlot 91 owned by the City of Troy, Ohio, real property that is no longer needed for municipal purposes, to the Troy City School District Board of Education, including a city deed.

**SECTION II:** That the Director of Law is authorized to prepare any necessary documents for such transfer to the Troy City School District Board of Education, including an official deed for conveyance.

**SECTION III:** That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor



City of Troy

## MEMORANDUM

TO: Members of Council

FROM: Martha Baker, President of Council

DATE: April 15, 2016

SUBJECT: REAPPROPRIATION OF FUNDS FOR 2016

When the annual budget (or appropriation) is adopted, it is noted that supplemental appropriations, or reappropriations, may be required through the year as well as at year-end.

The City Auditor has provided the attached information to regarding the first reappropriation for this year.

In that this is routine and required, we will have the legislation prepared and placed on the agenda.

If you have any questions about the attached information, I am sure Mr. Frigge will be happy to respond.

Encl.



City of Troy

John E. Frigge  
Auditor

City Hall  
100 South Market Street  
Troy, Ohio 45373  
[www.troyohio.gov](http://www.troyohio.gov)  
phone: (937) 335-2224  
fax: (937) 335-8951  
[john.frigge@troyohio.gov](mailto:john.frigge@troyohio.gov)

**MEMO TO:** Ms. Martha A. Baker  
President of City Council

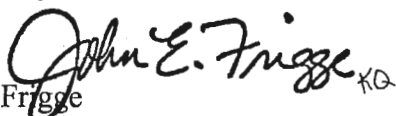
**FROM:** Mr. John Frigge  
City Auditor  
**DATE:** April 12, 2016  
**Subject:** First Reappropriation of 2016

I respectfully request that this proposed reappropriation be considered at the City Council meeting of April 18, 2016. The request represents reappropriations resulting from the following:

- A. In the General Fund, Fund 101, \$2,661,000 will be appropriated to the Transfer Account in order to provide sufficient resources for Hobart Arena improvements, Treasure Island Park and additional paving.
- B. In the Capital Improvement Fund, Fund 441, additional appropriations are required as follows: \$2,300,000 for Hobart Area Improvements, \$150,000 for Treasure Island Park and \$275,000 for additional paving.
- C. In the OPWC Fund, Fund 442, an additional appropriation of \$155,000 for McKaig Road Improvements, Phase 3.
- D. In the Stormwater Fund, Fund 709, an additional appropriation of \$205,000 for McKaig Road Improvements, Phase 3.
- E. In the Water Fund, Fund 710, \$500,000 is appropriated for paying off an existing bond.
- F. In the Sewer Fund, Fund 711, an additional appropriation of \$65,000 for McKaig Road Improvements, Phase 3.

If you have any questions regarding this request, I would be happy to discuss the matter further.

Sincerely,

  
John Frigge  
City Auditor

4/12/2016

1reapp15

**ORDINANCE No.** O-25-2016

Don Legal Blank, L.L.C.

**ORDINANCE AMENDING ORDINANCE NO. O-42-2015, APPROPRIATING FUNDS  
NECESSARY FOR THE VARIOUS DEPARTMENTS AND OFFICES OF THE CITY OF  
TROY, OHIO, FOR THE YEAR 2016**

**BE IT ORDAINED** by the Council of the City of Troy, Ohio, at least two-thirds of the members duly elected thereto concurring as follows.

**SECTION I.** That Section II of Ordinance No. O-42-2015 as set forth below, is hereby repealed in its entirety:

"FUND <b><u>SECTION II.</u></b> GENERAL FUND	TOTAL \$ 18,524,497	TRANSFER \$ 6,581,500 "
----------------------------------------------------	------------------------	----------------------------

**SECTION II.** That Section II of Ordinance No. O-42-2015 is hereby enacted as follows:

" <b><u>SECTION II.</u></b> GENERAL FUND	\$ 18,524,497	\$ 9,242,500"
---------------------------------------------	---------------	---------------

**SECTION III.** That Section XVIII of Ordinance No. O-42-2015, as set forth below, is hereby repealed in its entirety:

" <b><u>SECTION XVIII.</u></b> CAPITAL IMPROVEMENT FUND	\$ 9,268,500	\$ None "
------------------------------------------------------------	--------------	-----------

**SECTION IV.** That Section XVIII of Ordinance No. O-42-2015 is hereby enacted as follows:

" <b><u>SECTION XVIII.</u></b> CAPITAL IMPROVEMENT FUND	\$ 11,993,500	\$ None "
------------------------------------------------------------	---------------	-----------

**SECTION V.** That Section XIX of Ordinance No. O-42-2015, as set forth below, is hereby repealed in its entirety:

" <b><u>SECTION XIX.</u></b> OHIO PUBLIC WORKS COMMISSION FUND	\$ 605,000	\$ None "
-------------------------------------------------------------------	------------	-----------

**SECTION VI.** That Section XIX of Ordinance No. O-42-2015 is hereby enacted as follows:

" <b><u>SECTION XIX.</u></b> OHIO PUBLIC WORKS COMMISSION FUND	\$ 760,000	\$ None "
-------------------------------------------------------------------	------------	-----------

**SECTION VII.** That Section XXX of Ordinance No. O-42-2015, as set forth below, is hereby repealed in its entirety:

" <b><u>SECTION XXX.</u></b> STORMWATER UTILITY FUND	\$ 1,378,453	\$ None "
---------------------------------------------------------	--------------	-----------

**SECTION VIII.** That Section XXX of Ordinance No. O-42-2015 is hereby enacted as follows:

" <b><u>SECTION XXX.</u></b> STORMWATER UTILITY FUND	\$ 1,583,453	\$ None "
---------------------------------------------------------	--------------	-----------

**SECTION IX.** That Section XXXI of Ordinance No. O-42-2015, as set forth below, is hereby repealed in its entirety:

" <b><u>SECTION XXXI.</u></b> WATER DEPARTMENT FUND	\$ 9,466,004	\$ None "
--------------------------------------------------------	--------------	-----------

**SECTION X.** That Section XXXI of Ordinance No. O-42-2015 is hereby enacted as follows:

" <b><u>SECTION XXXI.</u></b> WATER DEPARTMENT FUND	\$ 9,966,004	\$ None "
--------------------------------------------------------	--------------	-----------

**SECTION XI.** That Section XXXII of Ordinance No. O-42-2015, as set forth below, is hereby repealed in its entirety:

" <b><u>SECTION XXXII.</u></b> SEWERAGE SYSTEM FUND	\$ 6,326,424	\$ None "
--------------------------------------------------------	--------------	-----------

**SECTION XII.** That Section XXXII of Ordinance No. O-42-2015 is hereby enacted as follows:

" <b><u>SECTION XXXII.</u></b> SEWERAGE SYSTEM FUND	\$ 6,391,424	\$ None "
--------------------------------------------------------	--------------	-----------

**SECTION XIII.** That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

**ORDINANCE No.** O-26-2016

Dayton Legal Blank, Inc.

**ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO EXECUTE TREASURE ISLAND NON-TICKETED USE AGREEMENTS FOR 2016 EVENTS AT TREASURE ISLAND PARK AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Troy has improved Treasure Island Park and included features to accommodate concerts and other events; and

**WHEREAS**, three concerts have been scheduled for 2016 that will be non-ticketed events and will include the sale of alcoholic beverages; and

**WHEREAS**, these three concerts have been submitted to the Recreation Board of the City of Troy, Ohio and the Board of Park Commissioners.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Troy, Ohio as follows:

**SECTION I:** That the Director of Public Service and Safety of the City of Troy, Ohio is authorized to establish terms and conditions for the use of the Treasure Island Park on June 25, 2016 from 12:00 p.m. to 11:00 p.m. and to execute a Treasure Island Non-Ticketed Use Agreement with the Troy Recreation Board and the Board of Park Commissioners for said date.

**SECTION II:** That the Director of Public Service and Safety of the City of Troy, Ohio is authorized to establish terms and conditions for the use of the Treasure Island Park on July 23, 2016 from 10:00 a.m. to 11:00 p.m. and to execute a Treasure Island Non-Ticketed Use Agreement with the Troy Recreation Board and the Board of Park Commissioners for said date.

**SECTION III:** That the Director of Public Service and Safety of the City of Troy, Ohio is authorized to establish terms and conditions for the use of the Treasure Island Park on July 9, 2016 from 12:00 p.m. to 11:00 p.m. and to execute a Treasure Island Non-Ticketed Use Agreement with the Troy Recreation Board and the Board of Park Commissioners for said date subject to approval of such Use Agreement by the Board of Park Commissioners.

**SECTION IV:** That the Director of Public Service and Safety of the City of Troy, Ohio is authorized to take such actions as are in his opinion necessary and proper to implement the presentation of the events on June 25, 2016, July 23, 2016 and July 9, 2016, at Treasure Island Park in the City of Troy, Ohio, and notwithstanding any provisions of the Troy Codified Ordinances including, but not limited to, Chapter 311, Sections .02, .04, .05; Chapter 371, Sections .03 -.05; Chapter 717; Chapter 721; Chapter 745; Chapter 749, Chapter 933, Sections .07, .10, .16, .18, .20; Chapter 1143, Section .22; and Chapter 1157, which would prohibit programs deemed proper by the Director of Public Service and Safety of the City of Troy, Ohio and as part of the events on June 25, 2016, July 23, 2016, and July 9, 2016.

**SECTION V:** That the sale and consumption of beer, wine and intoxicating liquor on the public area known as Treasure Island Park is authorized for June 25, 2016 from 6:00 p.m. to 11:00 p.m., for July 23, 2016 from 6:00 p.m. to 11:00 p.m., and for July 9, 2016 from 6:00 p.m. to 11:00 p.m., pursuant to proper permits issued by the State of Ohio.

**SECTION VI:** That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City of Troy, Ohio, and for the further reason that considerable coordination will need to be made regarding the details and publication of each event, **NOW, WHEREFORE**, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor



City of Troy

## ITEMS OF INTEREST

**TO:** Mayor Beamish  
Mrs. Baker, President of Council  
Council Members

**FROM:** Patrick E. J. Titterington, Director of Public Service and Safety

A handwritten signature in blue ink, likely belonging to Patrick E. J. Titterington, is located to the right of the "FROM:" line.

**DATE:** April 15, 2016

We are providing the following for your information:

- Major Project Update:
  - Sidewalk Program 8 – the work has been completed. Council authorized the final assessment, and letters have been sent to property owners advising of those assessment amounts. The property owners had until April 15 to make payment in full; thereafter, the amounts will be certified to the County to be assessed over a five-year period.
  - Marina Building – interior work continues. The aerial walkway and exterior balcony work and structural steel installation are now underway.
  - Treasure Island Park – work continues to proceed for both the amphitheater and the shelter house and work is underway on the large entry sign by Elm St.
  - Streetscape (East Main Street between Walnut and Mulberry Streets) – sidewalk reconstruction and asphalt restriping has been completed. Traffic signal bases are set and the contractor has been granted an extension and the expected completion date is now July 15.
- Miami Shores has now installed Forward Tee markers to welcome and accommodate players of all skill levels. Forward Tee 1 markers are for players who have a driver carry distance of 100 yards or less. Forward Tee 2 markers are for players who have a driver carry distance of 101 to 140 yards.
- The bid opening for the McKaig Road Improvement Project Phase 3 was held on April 6. There were two bidders. The Board of Control has awarded this contract to Finfrock Construction Co, Inc. the low bidder in the amount of \$1,170,000. Council authorized \$1,500,000 for this project.
- The bid opening for the Extra High Water Tower Project was held on March 30. There were three bidders. The Board of Control has awarded the contract to CB&I of Plainfield, IL at a cost not to exceed \$2,487,325, which is based on the base bid plus several alternates. Council authorized \$2,750,000 for this project.

- Kimberly Rohr, Fire Department secretary, has announced her retirement effective May 2. She has provided the clerical support for the Fire Department since May, 1983.
- Other information provided by City departments is attached.

**Upcoming Events at Hobart Arena**

April 23	Rend Collective, Family We Go Tour
April 28	Chamber Business Expo
May 24	Troy High School Senior Awards Assembly
May 26	Upper Valley Career Center Graduation
May 27	Miami East High School Graduation
May 28	Troy High School Graduation
May 29	Covington High School Graduation

**Calendar of Meetings**

April 18	7:00 p.m.	Council	City Hall Council Chambers
April 20	4:00 p.m.	Rec Board	Hobart Arena
April 27	3:30 p.m.	Planning Commission	City Hall
May 2	7:00 p.m.	Council	City Hall Council Chambers
May 3	11:00 a.m.	Park Board	City Hall
May 11	3:30 p.m.	Planning Commission	City Hall

If you have any questions, please do not hesitate to contact this office.

Enclosure

cc: Department Heads



**Operations**  
**Items of Interest**  
April 15, 2016

**Street/Solid Waste – Jerry Mullins, Foreman**

- Collected and transported 235 tons of residential trash since the last report of 225 tons.
- Handled two recycling complaints and two trash complaints.
- Made three pothole repairs with cold mix and the new asphalt infrared recycling machine.
- Crack sealed: Kings Chapel Subdivision, Chelsea Rd., S. Market St., Wayne Ave. and the seam on W. Main St.
- Finished up our repairs and painting of over 250 wooden barricades.
- Cleaned and swept the square and downtown area.
- Received annual review of Dye Mill Road Facility and for the second year in a row the facility is in compliance with the EPA standards. No zero deficiencies were found during the review. This is a result of the collaborative efforts of the Street Department and facility manager Steve Wesco. It is very rare for inspectors from the EPA to give such favorable reports for compost facilities. We will continue to monitor our facility and do everything we can to remain in compliance.
- Cleaned up piles of bundled brush and T-bags after the wind storm.
- Salted mains, hills and bridges after weather event on April 9.
- Collected several compliant brush piles and T-bags.
- Conducted spring cleanup, by allowing residents to exceed the five container limit for weekly waste collection.

**Electrical – Brian Ferree, Foreman**

- Completed Ohio Utilities Protection Service requests as needed.
- Installed a new LED light on the outside of the restroom building at Duke Park.
- Repaired three bollard lights downtown.
- Repaired an office light at the maintenance facility.
- Installed a new motor on the hose dryer at Fire Station #3.
- Repaired a broken underground junction box at Main and Cedar intersection.
- Repaired a roof ventilator at the maintenance facility.
- Started the annual conflict monitor testing on the traffic signals.

## **Water Distribution/Sewer Maintenance - Tom Parsons, Foreman**

- Marked numerous Ohio Utilities Protection Service tickets.
- Investigated numerous high consumption alerts.
- Completed numerous work orders for Billing and Collection.
- Shut-off non-payment customers and reconnected as payments were made.
- Upgraded water services at: W. Simpson St., Morehead St., E. Canal St., E. Franklin St., S. Union St., Virginia St. and W. Race St.
- Repaired an 8" main break at the intersection of Cornish Rd. and Dartmouth Rd.
- Shut water off in 200 block of Terrace Place for repairs.
- Shut water off at Staunton Commons for a broken water line.
- TV'd lines on paving list: Race Dr., Drury Ln., Stephenson Dr., and Linwood Dr.
- Excavated the sewer main on 1000 block of W. Race to retrieve camera.
- Replaced two catch basins on Mayfield Dr.
- Assisted the Wastewater Treatment Plant replace a sewage pump at Trader and S. Co. Rd 25-A.

## **Water Treatment Plant – Jeff Monce**

- For the month of March 2016, the WTP pumped a total of 107.337 million gallons (MG) to our distribution system and customers in West Milton and parts of Miami County (avg. 3.216 MG/day). Total precipitation recorded at the WTP for Mar. was 4.68". Respective totals for March in previous years are:

2015:	<u>109.327 MG;</u>	<u>3.71"</u>
2014:	<u>107.337 MG;</u>	<u>2.12"</u>
2013:	<u>123.515 MG;</u>	<u>2.59"</u>
2012:	<u>135.779 MG;</u>	<u>1.92"</u>
2011:	<u>114.717 MG;</u>	<u>4.45"</u>
2010:	<u>118.240 MG;</u>	<u>4.09"</u>
2009:	<u>114.2 MG;</u>	<u>0.98"</u>
2008:	<u>116.920 MG;</u>	<u>7.27"</u>
2007:	<u>114.235 MG;</u>	<u>6.69"</u>

- Eleven bulk water account holders withdrew a total of 35,550 gallons in March. Total revenue was \$516.20.
- A total of 6,574,832 gallons were pumped to the Extra High Service area in northwest Troy in March, for an average flow of .2121 MG.
- Ongoing vibration problems with the 100 hp motor for High Service Pump 3 were solved by Asst. Supt. Ralph Walters and a representative of the pump company. Excessive vibration has been eliminated and this pump is now in full service.
- The new Chemco detention-style lime slaker has run extremely well since start-up on March 23. This unit will be run extensively during the one-year warranty period.
- A contractor will be on site April 13 to install control switches for the 12470 kW breaker cabinet heaters.
- The inverter-duty rewind of HS Pump1 motor is finished and this motor should be installed this week.

## **Wastewater Treatment Plant – Tim Snider**

- Staff replaced pump #2 and the pump base elbow at Trader's lift station.
- Staunton Rd. storm water pump station pump #2 is still at a vendor awaiting repairs.
- Beginning on April 18 a contractor will be on site to begin replacement of the sludge de-watering press. This new equipment is part of the new 10 year agreement with Agri-Sludge that went into effect in October of 2015.
- The bid opening for The Primary Clarifier Equipment Replacement Project will be on April 22.
- It is planned to install U.V. modules on April 14. The disinfection season begins on May 1 and lasts through October 31.
- It is planned on April 13 to remove Sludge Gravity Thickener (SGT) #2 from service and place SGT #1 in service.
- Staff continue to complete preventive maintenance work orders.

### **March Operating Data**

Average Daily Effluent Flow – 7.36 mgd

Average Daily Effluent TSS – 12.11 mg/l, NPDES permit limit 27 mg/l  
Removal Efficiency – 90.4%

Average Daily Effluent C-BOD5 – 10.1 mg/l, NPDES permit limit 14 mg/l  
Removal Efficiency – 92.5%

**Items of Interest  
Engineering Department  
April 13, 2016**

<b>PROJ #</b>	<b>PROJECT TITLE</b>	<b>PROJECT STATUS</b>
<b>PUBLIC WORKS PROJECTS</b>		
2015-01	MIA - Troy East Main Street Downtown Streetscape (PID 93240)	ODOT will fund a portion of this project. LJ DeWeese Co., Inc. was awarded the project. Sidewalk reconstruction has been completed, and asphalt restriping completed. Contractor is waiting delivery of the poles, which are scheduled for delivery in the spring. Temporary lighting and trees have been installed. Light poles (mid-block) are scheduled for delivery this week. Awaiting updated shipping date from the manufacturer for traffic signal lights.
2014-16	Hobart Arena Renovation and Expansion	City entered into an agreement with MSA Architects for the design of this project. Monarch Construction, Inc. is the general contractor. Every other week construction coordination meetings are occurring with the contractor and MSA. Soils undercutting for concrete footers and pads is ongoing.
2014-17	Marina & Boathouse Renovation	The contract was awarded to Bruns General Contracting. Interior work is progressing including the front entrance doors and tiling. Balcony/deck improvements have begun with structural steel installation ongoing, and the contractor is finalizing, cleaning and punch listing the interior. The remaining exterior work is anticipated to be completed by the end of April due to weather delays. Staff/contractor are working on the punch list for the exterior.
2014-18	Treasure Island Marina & Park Improvements	The City entered into a contract with Double Jay Construction The shelter house and amphitheater construction continues. Work slowed due to weather delays. Construction has restarted and is weather dependent.
2014-12	Extra High Service (EHS) Water Tower	Council authorized an agreement for the design of a new Extra High Service Water Tower with the firm of EMH&T. The Water Tower project is being awarded to CB&I Construction, Inc. A preconstruction meeting will occur in the next month.
2014-03	Water Regionalization Study	Council authorized a contract with RA Consultants. The City provided estimated hours for operations and administration necessary for West Milton and Miami County infrastructure. Staff continues to work with the consultant. Phase 2 of the regionalization, looking at the County as a retail customer, is being analyzed. Meetings with West Milton and Miami County were held on March 9. Awaiting County response from the results meeting. West Milton is interested in moving to the next phase of City retail services.
2015-05	Sewer Regionalization Study	Council authorized a contract with RA Consultants, LLC. The City provided estimated hours for operations and administration necessities for West Milton and Miami County infrastructure. Staff continues to work with the consultant. Phase 2 of the regionalization, looking at the County as a retail customer, is being analyzed. A meeting with Miami County was held on March 9. Awaiting County response from the results meeting.
2015-03	Washington Road Waterline	Staff entered into an agreement with Choice One Engineering Company for the design of a water loop along Washington Rd. from W. Main St. to W. Stanfield Rd. Finrock Construction Co. was awarded the construction contract. Finrock is over 90% complete with the installation of the water line; restoration will commence after the water line installation is completed.

**Items of Interest  
Engineering Department  
April 13, 2016**

<b>PROJ #</b>	<b>PROJECT TITLE</b>	<b>PROJECT STATUS</b>
2015-04	Nottingham Subdivision Sewer Gravity	Access Engineering, LLC was authorized to design a gravity sewer from the Nottingham Subdivision to Piqua-Troy Road at Troy-Urbana Road. Easement requests are being coordinated with the property owners. Preliminary layout has been reviewed and the design continues. Bidding and construction is anticipated for Summer of 2016.
2015-10	Troy Recreational Trail Resurfacing (PID 100778)	Council approved the ODOT LPA Agreement including accepting ODOT funding and finalizing bike path easements according to federal regulations. Resurfacing is scheduled to occur SFY 2020 (calendar year July 2019). The project will be Local-Let (i.e. implemented by City Staff) and will be funded 80/20 ODOT/Troy. Staff has begun the environmental review and right-of-way acquisition with ODOT. Staff will be requesting RFPs for anticipated ROW/easement acquisition.
2015-29	West Market Street (SR 55) and Fenner Road Traffic Signal	Choice One Engineering Co. completed the design of the signal. Bansal Construction, Inc has been awarded the contract. Choice One is performing construction administration and periodic inspection of the construction contractor. A preconstruction meeting was held, and submittals are filing in. Site work is anticipated in May 2016.
2014-08	McKaig Road Improvements Phase 3	This phase includes work from Madison St. (RR tracks) alley west of Lake St. (end of Heywood Elementary property). Council authorized an agreement with LJB, Inc. to complete design. Council authorized going to bid and awarding the project at a NTE \$1,500,000.00. Finrock Construction Co. is being awarded the project at a cost not to exceed \$1,170,000.00. A preconstruction meeting will be scheduled shortly.
2015-23	North Market Street Improvements Phase 2	This phase includes work from Kirk Lane/Foss Way to Stonyridge Avenue. Council authorized to award the design contract to Choice One Engineering Corp. Construction is anticipated to occur in 2017. A design kickoff meeting occurs this week.

**ANNUAL PROJECTS**

2014-21	Sidewalk Program 8	I.F. Weber has completed the project. Invoices have been sent to the property owners involved in this program; the property owners have until April 15 to pay the bills or they will be assessed to their property taxes for five (5) years.
	Sidewalk Program 2016	Sidewalk quantities have been obtained/measured. Council authorized the Resolution of Necessity for this program which is located in the following locations: areas along S. Plum St., S. Cherry St., S. Walnut St. and S. Mulberry St. between Main St. and Franklin St.; S. Market St., S. Walnut St. and S. Mulberry St. between E. Franklin St. and E. Canal St.; and the area encompassed by S. Market St., E. West St., S. Clay St., Ross St., and S. Mulberry St. which include the following streets Young, Enyeart and Dakota. Packets explaining the City's sidewalk repair program were sent out this week with response from property owners requested by May 13, 2016 as to how they would like to proceed with repair of their sidewalks.

**Items of Interest  
Engineering Department  
April 13, 2016**

<b>PROJ #</b>	<b>PROJECT TITLE</b>	<b>PROJECT STATUS</b>
	Paving Program 2016	Streets to be paved are being coordinated with Vectren Bare Steel/Cast Iron replacement program, Water/Sewer/Storm necessary improvements, and the age of the existing street. Council authorized bidding the paving program adding McKaig Road from South Dorset Road to SR 718. Project will be advertised in the next week.
96435	MIA - 55 - 11.83 Bridge Redecking North Market Street (PID 96435)	ODOT-Let and funded project. Project will begin construction in June 2016. The bridge will remain open but traffic will be modified with half of the bridge closed at a time. Resurfacing of N. Market St. from Water St. to Staunton Rd. will be completed as part of the redecking project at an 80/20 cost split (ODOT/City). Council authorized the 20% estimated funding for the project to proceed.
	Engineering Electronic and Hard Copy File Organization	Staff has been working with an outside contractor to make the Engineering electronic/hard copy files organized in such a way that all staff can have access to most documents. This will improve efficiency with document filing and reduce the volume of space necessary. Staff re-implemented project numbers. Record drawings organization, personnel files clean-up, and project processes continue. P&Z files are also being organized. Project categorization and filing process is being finalized. Records retention and organization of the Zoning hard copy files are being analyzed and implemented.
2015-11	Updating City Construction Standards	Staff is working with Choice One Engineering Company to update the standards. A review meeting occurred and updates are being completed by Choice One. Another review meeting will occur the middle of April to continue reviewing the marked-up standards.
	Sensus Analytics Controlled Launch	A kick-off meeting occurred, but Staff is awaiting water tower maintenance contract discussions prior to attaching to the tower. Contact has been made with Caldwell Tanks, the tank maintenance contractor, and they are reviewing the additional connection requests per contract requirements.
	Water Tower Tank Asset Preservation Program On-Going Maintenance	The City was approached by Caldwell Tank, Inc. to transfer the existing contracts to Utility Service Group. Council authorized the transfer of the agreement to the Utility Service Group. Agreement will be transferred to Utility Service Group.
	GPS Data Collection	Collection of data continues. Staff is obtaining OUPS markings from the Vectren gas main work occurring throughout the City and other construction/maintenance activities from City staff or contractors.
	Sidewalk, Sewer, and Sump Inspections	Inspections are continuing to be completed as requested.

**SUBDIVISION PROJECTS**

2012-08	Edgewater	Section 7 has obtained final course of asphalt, and escrow agreement will be held until final buildout of subdivision. Section 8 was approved by Council. Construction plan comments have been returned to the developer's design engineer, and staff is awaiting modifications.
2015-07	Halifax	Section 1 underground utilities installation and the initial course of asphalt have been installed. House construction has begun. Staff has been asked to look into lighting options.
2007-25	Hawk's Nest	Section 2 awaiting final course of asphalt. A punch list has been completed and forwarded to the developer.

**Items of Interest  
Engineering Department  
April 13, 2016**

<b>PROJ #</b>	<b>PROJECT TITLE</b>	<b>PROJECT STATUS</b>
2015-06	Nottingham	Section 8 construction has intermediate course complete and housing development is ongoing. Section 9 is approved. An escrow agreement is being requested by the developer, and construction is being completed by C Miller Excavating.
2003-35	Villages of Concord (formerly Oakmont)	Section 5 is awaiting final punch list and final course of asphalt. Due to the lack of construction progress in recent years, the City is investigating the potential of completing the subdivision via special assessment process. Punch list has been created and forwarded the developer in order to attempt to complete the subdivision. Staff has reached out to developer to encourage completion of development without assessment process.
2007-19	Pleasantview Estates	Section 3 is awaiting final course of asphalt. Due to the lack of construction progress in recent years, the City is investigating the potential of completing the subdivision via special assessment process. Punch lists have been completed and will be sent to the developer in order to attempt to complete the subdivision. Section 4 plat has been approved. Construction has not begun.
2013-19	Stonebridge Meadows	Section 2-B final course of asphalt has been completed. Section 3 construction has intermediate asphalt with final grading occurring for house pad elevations. Due to fill issues, the escrow agreement continues to be evaluated with the developer. The homebuilder, Ryan Homes, has contacted the City to remedy issues with the escrow agreement. Construction drive maintenance and stormwater controls maintenance has been requested by the developer due to their current condition.
2016-02	Legacy Grove	A developer has requested approval for a Planned Unit Development (PUD) for a plat of land along McKaig Road east of Concord Elementary School. The proposal will be going to Planning Commission.

City of Troy  
2015-16 Snow Report

MONTH	SALT			GAL	CACL2		GAL	UNLEADED		DIESEL	DIESEL		REG LABOR		OT LABOR		EVENT TOTAL \$	TOTAL SALT USAGE TONS	TOTAL SALT REMAINING	TOTAL TO DATE \$	WEATHER CONDITIONS
	TONS	\$/TON	TOTAL \$		\$/GAL	TOTAL \$		\$/GAL	TOTAL \$		\$/GAL	TOTAL \$	HOURS	\$	HOURS	\$					
October	0.0	\$118.86	\$ -	0.0	\$1.15	\$ -	0.0			0.0			0.0	\$ -	0.00	\$ -	\$ -	0.0	1,000.0	\$ -	
November	0.0	\$118.86	\$ -	0.0	\$1.15	\$ -	0.0			0.0			0.0	\$ -	0.00	\$ -	\$ -	0.0	1,000.0	\$ -	
December	0.0	\$118.86	\$ -	0.0	\$1.15	\$ -	0.0			0.0			0.0	\$ -	0.00	\$ -	\$ -	0.0	1,000.0	\$ -	
January 10, 2016 9:30AM-12:30PM	47.0	\$118.86	\$ 5,586.42	188.0	\$1.15	\$ 216.20	0.0	\$1.36	\$ -	65.0	\$1.69	\$ 109.85	0.0	\$ -	21.00	\$ 840.96	\$ 6,753.43	47.0	953.0	\$ 6,753.43	1" Snow fall
January 11, 2016 8:30AM-3:00PM	8.0	\$118.86	\$ 950.88	0.0	\$1.15	\$ -	17.0	\$1.36	\$ 23.12	19.0	\$1.69	\$ 32.11	16.0	\$ 450.88	0.00	\$ -	\$ 1,456.99	55.0	945.0	\$ 8,210.42	Brining
January 12, 2016 4:30AM-3:30PM	69.0	\$118.86	\$ 8,201.34	264.0	\$1.15	\$ 303.60	0.0	\$1.36	\$ -	132.0	\$1.69	\$ 223.08	64.0	\$ 1,713.92	20.00	\$ 803.43	\$ 11,245.37	124.0	876.0	\$ 19,455.79	2" snow, salt mains/secondarys
January 13, 2016 7:00AM-3:00PM	23.0	\$118.86	\$ 2,733.78	84.0	\$1.15	\$ 96.60	0.0	\$1.36	\$ -	75.0	\$1.69	\$ 126.75	64.0	\$ 1,713.92	0.00	\$ -	\$ 4,671.05	147.0	853.0	\$ 24,126.84	Refreeze/plow
January 19, 2016 7:00AM-3:00PM	10.0	\$118.86	\$ 1,188.60	0.0	\$1.15	\$ -	0.0	\$1.34	\$ -	30.0	\$1.28	\$ 38.40	16.0	\$ 392.64	0.00	\$ -	\$ 1,619.64	157.0	843.0	\$ 25,746.48	Brining
January 20, 2016 7:00AM-12:00PM	49.0	\$118.86	\$ 5,824.14	196.0	\$1.15	\$ 225.40	0.0	\$1.34	\$ -	65.0	\$1.28	\$ 83.20	35.0	\$ 894.60	0.00	\$ -	\$ 7,027.34	206.0	794.0	\$ 32,773.82	1.5" snow
February 9, 2016 4:15AM-11:00AM	56.0	72.98	\$ 4,086.88	204.0	\$1.15	\$ 234.60	0.0	\$1.34	\$ -	79.0	\$1.28	\$ 101.12	24.0	\$ 710.16	8.25	\$ 313.59	\$ 5,446.35	262.0	738.0	\$ 38,220.17	1" snow
February 10, 2016 7:00AM-10:00AM	53.0	72.98	\$ 3,867.94	196.0	\$1.15	\$ 225.40	0.0	\$1.34	\$ -	71.0	\$1.28	\$ 90.88	21.0	\$ 538.20	0.00	\$ -	\$ 4,722.42	315.0	685.0	\$ 42,942.59	0.50" snow
February 14, 2016 4:30PM-7:30PM	49.0	72.98	\$ 3,576.02	196.0	\$1.15	\$ 225.40	0.0	\$1.34	\$ -	71.0	\$1.28	\$ 90.88	0.0	\$ -	21.00	\$ 798.93	\$ 4,691.23	364.0	636.0	\$ 47,633.82	1.5" snow
February 19, 2016 SALT SHIPMENT	0.0	72.98	\$ -	0.0	\$1.15	\$ -	0.0	\$1.29	\$ -	0.0	\$1.41	\$ -	0.0	\$ -	0.00	\$ -	\$ -	364.0	1,136.0	\$ 47,633.82	Received 500 Tons of Salt from Detroit
March 3, 2016 7:00AM-8:30AM	3.0	72.98	\$ 218.94	12.0	\$1.15	\$ 13.80	0.0	\$1.29	\$ -	6.0	\$1.41	\$ 8.46	3.0	\$ 75.78	0.00	\$ -	\$ 316.98	367.0	1,133.0	\$ 47,950.80	Bridges
March 4, 2016 8:00AM-10:30AM	3.0	72.98	\$ 218.94	12.0	\$1.15	\$ 13.80	0.0	\$1.29	\$ -	6.0	\$1.41	\$ 8.46	2.5	\$ 63.75	0.00	\$ -	\$ 304.95	370.0	1,130.0	\$ 48,255.75	Bridges
April 9, 2016 6:00AM-9:30AM	10.0	72.98	\$ 729.80	40.0	\$1.15	\$ 46.00	0.0	\$1.53	\$ -	7.0	\$1.64	\$ 11.48	0.0	\$ -	10.00	\$ 431.54	\$ 1,218.82	380.0	1,120.0	\$ 49,474.57	Bridges and mains

## High Usage Alert Records

Address	24 Hr. usage Cu Ft.	Shut Off: Yes - No	Date	Reconnect: Yes - No - Cause
Amberwood	600	No	March 17, 2016	No left blue B&C to call
Cheshire Rd.	400	No	March 18, 2016	No left blue B&C to call
Marybill	300	No	March 21, 2016	No advised staff
Lake	400	No	March 18, 2016	No B&C to call
Imperial Ct	400	No	March 23, 2016	No B&C to call
Weston	300	No	March 25, 2016	No B&C to call
S. Mulberry	300	No	March 25, 2016	No B&C to call
W. Franklin	700	Yes	March 28, 2016	No B&C to call
S. Clay	400	No	March 28, 2016	No B&C to call
S. Mulberry	300	No	March 28, 2016	No B&C to call
Kings Chapel	500	No	March 28, 2016	No advised customer
Mckaig	500	No	March 31, 2016	No advised customer
Marybill Dr.	300	No	March 31, 2016	No advised customer
Meadowpoint Dr.	800	Yes	April 4, 2016	Yes 4/4/2016 Garden Hose left on
Todd Ln.	300	No	April 4, 2016	No B&C to call
Westridge	300	No	April 4, 2016	No possible toilet leak
S. Mulberry	300	No	April 4, 2016	No B&C to call
Brookfield	300	No	April 5, 2016	No toilet running
E. Staunton Rd.	400	Yes	April 5, 2016	Yes 4/5/2016 Toilet
Pondview	400	No	April 6, 2016	No rear hose left on
Heriatge	500	No	April 6, 2016	No left blue card
Parkview	300	No	April 6, 2016	No possible sump pump issue
E. Main	300	No	April 7, 2016	No advised resident
Inverness	400	No	April 8, 2016	No toilet running
S. Market	600	Yes	April 11, 2016	Yes 4/11/2016 possible toilet
E. Main	300	Yes	April 11, 2016	Yes 4/11/2016 Toilet running
W. Main	500	No	April 11, 2016	No B&C to call
Winchester Dr.	300	No	April 12, 2016	No B&C to call
Mckaig	400	Yes	April 12, 2016	
Kings Chapel	400	No	April 13, 2016	No toilet running
W. Main	600	No	April 13, 2016	No Advised maintenance
N. Market	500	No	April 13, 2016	No toilet running
Trade Sq. W.	300	No	April 14, 2016	No B&C to call
Imperial Ct.	900	No	April 14, 2016	No B&C to call
S. Walnut	300	No	April 14, 2016	No B&C to call

**Law Enforcement Activity Report**  
3/1/2016 TO 3/29/2016

**RECEIVED**

MAR 01 2016

**Ordinance Cases Filed****AUDITOR'S OFFICE****Criminal**

City of Troy Planning and Zoning	1
Covington Police Department	3
Piqua City Health Department	3
Piqua Police Department	9
Tipp City Police Department	4
Troy Police Department	3
	<b>23</b>

**Traffic**

Covington Police Department	15
Huber Heights Police Department	1
Piqua Police Department	34
Tipp City Police Department	44
Troy Police Department	106
West Milton Police Department	2
	<b>202</b>

**State Cases Filed****Criminal**

Bethel/Sheriff	4
Covington Police Department	4
Dog & Kennel	15
Miami County Health Board	5
Ohio State Patrol	14
Personal	3
Piqua Police Department	74
Sheriff's Department - Miami County	56
Tipp City Police Department	24
Troy Police Department	110
West Milton Police Department	23

Law Enforcement Activity Report  
3/1/2016 TO 3/29/2016

Wildlife	1
	<b>343</b>
<hr/>	
<b>Traffic</b>	
<hr/>	
Bethel/Sheriff	19
Bradford/Sheriff	2
City of Union	1
Covington Police Department	2
Huber Heights Police Department	1
Ohio State Patrol	412
Piqua Police Department	22
Pleasant Hill / Sheriff	3
Sheriff's Department - Miami County	102
Tipp City Police Department	24
Troy Police Department	51
West Milton Police Department	21
	<b>660</b>
<hr/>	
<b>Grand Total:</b>	<b>1,228</b>
<hr/>	

# BUSINESS LOAN PROGRAMS - QUARTERLY REPORT

Date: April 4, 2016  
 To: Patrick Titterington, Director of Public Service and Safety  
 From: James Dando, Development Director  
 Copies: Members of Loan Review Committee  
 Re: Status Report for First Quarter - 2016

Loans	#	Original Principal	Outstanding Principal	Payments Made This Quarter	Encumbered, But Not Yet Disbursed
CDBG (active)	18	\$2,228,780	\$1,444,971.90	\$37,623.00	\$0.00
SBD (active)	6	\$704,407	\$523,238.64	\$19,203.00	\$0.00
CDBG (deferred)	7	\$1,076,306	\$446,833.66	\$0.00	\$641,110.10
Subtotal	31	\$4,009,493	\$2,415,044	\$56,826	
CDBG (previous)	39	\$4,574,164			
SBD (previous)	6	\$338,000			
Pending loans	1	\$250,000.00	Federal Grants Received From the State of Ohio:		
Cancelled loans	9	\$642,912.00	\$305,000	1990, CJ's Highmarks Restaurant ED	
			\$303,000	1996, Crisafi Marriott Hotels ED	
			\$410,000	1996, Sherwood Shopping Center ED	
Public Works	5	\$425,986.48	\$25,656	2000, Downtown Home Repair	
			\$400,000	2000, Peak Foods ED	
Projects Total	91	\$10,240,555	\$121,000	2000, CoriGraphics ED	
CDBG Cash Balance*		\$119,679.09	\$12,500	2001, Downtown Rental Repair	
			\$35,000	2001, Downtown Building Repair	
SBD Cash Balance**		\$217,629.07	\$400,000	2003, Downtown Revitalization	
			\$13,500	2005, Downtown Building Repair	
			\$500,000	2008, RevWires ED	
Grand Total		\$10,577,863.64	\$2,525,656	Total for 11 Grants	

City of Troy Business Loan Programs are designed as "gap financing" and can help projects that are good, but do not quite qualify for complete private sector bank financing. Usually, the City of Troy loan will be subordinated to a primary bank loan. Loan terms can vary to suit a project's financial need. A typical example is 10% owner equity, 60% bank loan, and a 30% City of Troy loan to fill the gap.

\*CDBG loans require prior review/approval by Ohio Development Services Agency's Office of Community Development. Federal requirements apply, including environmental review, payment of Davis-Bacon Prevailing Wages for any construction work, and must benefit persons with Low-Moderate Income.

\*\*SBD loans require City of Troy review, only. The program uses no state or federal funds.

## NOTES:

- 1) The Community Development Block Grant Revolving Loan Fund (CDBG) is the oldest business loan program. The first project in 1990 was the CJ Highmarks Restaurant. The loan must not exceed 50% of the project cost. State approval is needed before City Council can give final approval. Projects must create at least one new job per \$25,000 loaned and over half of new hires must be from households with Low-Moderate Income. A Waiver of the job-creation requirement can be sought from the State in some limited circumstances, such as repair of a deteriorated Downtown Troy building. Federal and State of Ohio CDBG regulations must be followed, including public notifications, hearings, environmental review, historic review, civil rights, fair housing, prevailing construction wages, other labor standards, the Uniform Relocation Act, procurement standards, and other CDBG contract management requirements.
- 2) The Small Business Development Revolving Loan Fund (SBD) is Troy's newest program. It does not have the federal and State restrictions that limit the CDBG loan program. It was established in 2007, in response to the catastrophic collapse of the roof of a building housing small businesses. An SBD loan can be made much faster than a CDBG loan. The first loans were small and had relatively short terms. The program has since grown and now can do larger loans (up to the amount of the available balance in the fund) for longer terms.
- 3) A \$250,000 SBD loan to Clopay Building Products has been approved, but is not yet closed.
- 4) An \$850,000 DBR loan to Troy Community Works was approved, with \$208,806.90 disbursed. A separate grant of \$30,000 has been obtained from the Ohio Finance Fund for planning and design work. An architect and an historic tax credit consultant are nearing completion of a renovation plan. Contractors have provided estimates for roofing and exterior repairs, which alone are expected to cost over \$500,000. Application is being made to the Ohio Finance Fund for additional funding for the project. Construction is expected to begin after a decision is made by the State Historic Preservation Office regarding possible historic tax credits.
- 5) Initial inquiries have been made for SBD financing to assist business development at the newly renovated Treasure Island Park. No loan application has been made to date.
- 6) Inquiries also have been made for job-creation loan assistance with industrial equipment purchases. They also are evaluating the possibility of leasing the machines, which usually can be accomplished much faster than a CDBG loan can be approved.

**Business loan status report as of March 31, 2016**

Loan Date	End Date	Project Name	Original Principal	Outstanding Principal
Apr-03	Mar-23	Goodall (Troy Lumber)	\$212,500	\$91,583.07
Jun-04	May-24	Harris (Acquisition)	\$71,000	\$32,480.81
Jun-04	May-34	Harris (Rehab 9 S Market)	<u>\$53,000</u>	<u>\$39,216.46</u>
Oct-06	Sep-16	Ty Cobb (Troy Bus. Park)	\$411,000	\$28,014.78
May-07	Apr-37	Medallion (Dye Bldg)	\$380,000	\$297,984.61
Mar-10	Feb-35	Westfall (Harbor Trust bldgs)	\$206,000	\$165,241.88
Aug-10	Sep-30	T&M Troy Property	\$81,216	\$62,813.87
Jun-11	Jun-31	FourSonsDevel(12 S Market)	\$41,200	\$33,879.62
Sep-11	Nov-36	P&C Ventures (2 E Main)	\$151,700	\$128,903.77
Sep-11	Dec-41	Masonic Temple	\$46,450	\$44,029.42
Oct-12	May-61	Masonic Temple 2	\$25,200	\$25,200.00
Mar-13	Mar-33	Boyle (Mojo's)	\$35,910	\$31,811.44
Apr-13	Apr-38	P&C Ventures(101 W Franklin)	\$199,305	\$180,991.48
Apr-13	Apr-38	FourSonsDevelopmentShanesy	\$74,624	\$68,125.67
Oct-13	Nov-23	Markwater (Dave Murray)	\$22,000	\$17,496.25
Mar-14	May-34	P&CVentures (121 W Franklin)	\$50,000	\$42,752.81
Mar-14	May-39	Sturwold (210 E Water)	\$130,000	\$123,197.16
Mar-14	May-24	P&CVentures(roof 2 E Main)	<u>\$37,675</u>	<u>\$31,248.80</u>
		CDBG Totals	\$2,228,780	\$1,444,972
Jun-11	Dec-19	Jumpy's Laser Tag	\$101,500	\$42,369.65
Sep-11	Sep-16	Brock Air Products	\$41,500	\$3,808.89
Mar-12	May-17	Bayou Bell(LeDoux's)	\$30,300	\$7,725.71
Sep-13	Nov-18	Smith (Caroline)	\$50,000	\$26,763.95
Jan-14	Feb-34	R&E, LLC (650 Olympic)	\$470,000	\$433,378.21
Mar-15	Apr-20	Jay Harris (9 S Market roof)	<u>\$11,107</u>	<u>\$9,192.23</u>
		SBD Totals	\$704,407	\$523,239
Jul-00	Jun-99	Carey (Historic Rehab)	\$10,809	\$15,835.19
Aug-00	Jul-99	Fox (Historic Rehab)	\$14,847	\$21,683.57
Aug-02	Jul-32	Baker (BK Photo)	\$15,450	\$15,225.00
Aug-03	Aug-33	Boss Jewelers	\$10,000	\$10,000.00
Aug-12	Sep-42	Troy Community Works!	\$144,300	\$144,300.00
Jun-13	Sep-47	Troy Community Works 2	\$30,900	\$30,900.00
Aug-15	Sep-45	TroyCommunityWorks 1EMain	<u>\$850,000</u>	<u>\$208,889.90</u>
		Deferred Loans Totals	\$1,076,306	\$446,833.66

## MEMO

To: Patrick Titterington, Director of Public Service and Safety

From: Tim Davis, Planning & Zoning Manager

Date: April 13, 2016

Subject: Planning Division Update

I have attached two reports which summarize concerns that are being addressed by the Planning Division from March 31, 2016 to April 13, 2016. The first report shows all permits that were issued by the Planning Division. The report contains the address and type of permit and separates the information by each ward. There were 16 permits issued during this time period.

The second report contains the address, type of concern, and a summary of the current status of on-going issues. Both open and closed concerns are listed and are separated by each ward.

As in the past, all costs associated with the removal of trash and elimination of noxious weeds will be invoiced to the property owner. If the property owner does not pay the invoice, the cost will be assessed to the property taxes.

CITY OF TROY - WARD ONE  
PERMIT REPORT  
03/31/2016 TO 04/13/2016

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2016039Z	4/12/2016	1411 LEE RD	HARRIS, JUSTIN		0
DRIVEWAY		D08-057627	1411 LEE RD		50.00
		6452		LV	0
		DRIVE EXTENSION, 4-6-16	TROY, OH 45373	NL	0
				BA	0
			0/0/		

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2016019F	4/5/2016	533 MAPLECREST DR	WOODDELL, KRAIG		0
FENCE		D08048350	533 MAPLECREST DR		10.00
		N/A		LV	0
		FENCE, 4-1-16	TROY, OH 45373	NL	0
		MEADOWLAWN 4		BA	0
			0/0/		

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CITY OF TROY - WARD TWO  
PERMIT REPORT  
03/31/2016 TO 04/13/2016

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2016020F	4/7/2016	599 LOXLEY LN	SCOTT, AARON J.		0
FENCE		N/A	599 LOXLEY LN		20.00
		10537		LV	0
		FENCE, 4-1-16	TROY, OH 45373	NL	0
				BA	0
			0/0/		

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2016040Z	4/13/2016	802 MAIN ST E	ROEGNER, BRUCE AND BRENDA		0
DECK - RESIDENTIAL		N/A	802 MAIN ST E		25.00
		N/A		LV	0
		FRAME, 802 E MAIN ST, 4-11-16	TROY, OH 45373	NL	0
		N/A		BA	0
			0/0/		

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CITY OF TROY - WARD THREE  
PERMIT REPORT  
03/31/2016 TO 04/13/2016

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2016021F	4/7/2016	340 ELMWOOD AVE	WELLS, GEO A		0
FENCE		D08044660	340 ELMWOOD AVE		10.00
		N/A	340 ELMWOOD AVE	LV	0
		FENCE, 4-5-16	TROY, OH 45373	NL	0
		SOUTHVIEW ESTATES 2B		BA	0
			0/0/		

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2016036Z	4/5/2016	902 WALNUT ST S	STAFFORD, LINDA	0
DECK		N/A	902 WALNUT ST S	25.00
		N/A		LV 0
		DECK, 4-1-16	TROY, OH 45373	NL 0
				BA 0

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CITY OF TROY - WARD FOUR  
PERMIT REPORT  
03/31/2016 TO 04/13/2016

2016034Z	3/31/2016	1291 ARCHER DR	LEGACY VENTURES	0 DENLINGER & SONS
ADDITION COMMERCIAL		N/A	1291 ARCHER DR	120.00 1291 ARCHER DRIVE
		N/A		LV 1881 TROY, OH 45373
		COMMERCIAL ADDN 3/2016	TROY, OH 45373	NL 0 937-335-9096
		N/A		BA 0

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CITY OF TROY - WARD FIVE  
PERMIT REPORT  
03/31/2016 TO 04/13/2016

2016025S	4/5/2016	1460 MAIN ST W	DW28 TROY OHIO LLC	0
WALL SIGN		N/A	PO BOX 5580	86.70
		N/A		LV 0
		WALL SIGN 3/2016	TOLEDO, OH 43613	NL 0
				BA 0

/

2016011OC	4/5/2016	1460 MAIN ST W	DW28 TROY OHIO LLC	0
OCCUPANCY-COMMERCIAL		N/A	PO BOX 5580	100.00
		N/A		LV 0
		OC PERMIT 3/16	TOLEDO, OH 43613	NL 0
				BA 0

/

2016033Z	3/31/2016	820 DARTMOUTH RD	DEMEO, MICHAEL	0
PATIO		D08057494	820 DARTMOUTH RD	25.00
		N/A	820 DARTMOUTH RD	LV 0
		PORCH, 3/25/16	TROY, OH 45373	NL 0
		WESTBROOK 11		BA 0

/

2016018F	4/4/2016	873 DARTMOUTH RD	TOLIVER KENNETH J	0
FENCE		D08057472	873 DARTMOUTH RD	10.00
		N/A	873 DARTMOUTH RD	LV 0
		FENCE, 4-1-16	TROY, OH 45373	NL 0
		WESTBROOK 11		BA 0

0/0/

CITY OF TROY - WARD SIX  
PERMIT REPORT  
03/31/2016 TO 04/13/2016

2016037Z	4/5/2016	2630 ASHGROVE CT	THOMPSON, DONNA	0
SUNROOM		D08101926	2630 ASHGROVE CT	51.00
		N/A	LV	168
		SUNROOM, 4-1-16	NL	0
		WILLOWCREEK1	BA	0
		/	0/0/	
2016035Z	4/1/2016	2313 LARKSPUR DR	DENLINGER & SONS BUILDERS	0 DENLINGER & SONS
SINGLE FAMILY W/BASMNT		N/A	1291 ARCHER DR	88.54 1291 ARCHER DRIVE
		10488	LV	1987 TROY, OH 45373
		SGL FAM RES W/BASEMENT 3/16	NL	836 937-335-9096
		/	0/0/	BA 1867
2016026S	4/6/2016	1901 MAIN ST W	CIRCLE K MIDWEST	0 ATGS INC
CONSTRUCTION SIGN		D08103428	4080 JONATHAN MOORE PK	25.00 200 LAU PARKWAY
		N/A	LV	0 CLAYTON, OH 45315
		TEMP SIGN PERMIT, 4-5-16	NL	0 937-832-8885
		/	0/0/	BA 0
2016038Z	4/5/2016	835 WILLOW CREEK WAY	WEST, BRENDA	0
SHED		D08101862	835 WILLOW CREEK WAY	25.00
		N/A	LV	0
		SHED, 4-1-16	NL	96
		WILLOWCREEK1	BA	0
		/	0/0/	
2016027S	4/8/2016	30 TROY TOWN DR	TROY TOWN PROPERTIES LP	0
REFACE		D08058334	5775 PERIMETER #290 DR	25.00
		N/A	LV	0
		REFACE FS SIGN 4/2016	NL	0
		/	0/0/	BA 0

CITY OF TROY  
 PERMIT WORK TYPE STATISTICS REPORT  
 PERMIT DATE: 03/31/2016 TO 04/13/2016

SUBTOTALS	PERMITS	FEES (\$)	EST. COST
F FENCE	4	50.00	0
OC OCCUPANCY-COMMERCIAL	1	100.00	0
S CONSTRUCTION SIGN	1	25.00	0
S REFACE	1	25.00	0
S WALL SIGN	1	86.70	0
Z ADDITION COMMERCIAL	1	120.00	0
Z DECK	1	25.00	0
Z DECK - RESIDENTIAL	1	25.00	0
Z DRIVEWAY	1	50.00	0
Z PATIO	1	25.00	0
Z SHED	1	25.00	0
Z SINGLE FAMILY W/BASMNT	1	88.54	0
Z SUNROOM	1	51.00	0
=====			
GRAND TOTAL	16	\$696.24	

CITY OF TROY - WARD ONE  
VIOLATIONS BY ADDRESS  
03/31/2016 TO 04/13/2016

1411 LEE RD	ZONING PROBLEMS	04/08/16	08/06/16	
	20160453 BENTON, HEATHER			
3-23-16 sb New driveway and extension without permit and area in the rear of drive has gravel. Violation letter sent to obtain a permit and remove gravel.				
4-7-16 sb Heather Benton and Justin Harris in. They applied for permit and will remove gravel by 6-30-16.				
1253 NORTHBROOK LN	TRASH & DEBRIS	04/07/16	04/07/16	08/05/16 04/13/16
	20160442 THOMAS, MICHAEL			TRASH REMOVED
4-6-16 sb Trash in the ROW. They have private trash service. Certificate, follow up 3-14-16.				
4-13-16 sb Trash gone. Close.				
1125 STEPHENSON DR	TRASH & DEBRIS	03/31/16	03/31/16	07/29/16
	HERITAGE HILL 12	20160398	SIEBENTHALER CO	
3-31-16 sb Trash in ROW again. Certified, follow up 4-8-16.				
4-7-16 sb Green card dated 4-4-16.				
4-12-16 dp Trash and debris gone close.				

CITY OF TROY - WARD TWO  
VIOLATIONS BY ADDRESS  
03/31/2016 TO 04/13/2016

153 FINSBURY LN	BRUSH LETTER	04/06/16	04/06/16	08/04/16	04/12/16
	SHERWOOD MANOR 2	20160428	SCAPELLA, ADRIAN	DEBRIS REMOVED	
4-5-16 dp Tree debris has been placed in the gutter for trash removal unbundled or bagged. Certificate letter follow-up					
4-11-16.					
4-12-16 dp Trash debris gone close.					
156 FINSBURY LN	BRUSH LETTER	04/06/16	04/06/16	08/04/16	
	N/A	20160429	HALL, ERIC T		
4-5-16 dp Tree debris in the gutter unbundled or bagged. Certificate letter follow up 4-11-16.					
4-12-16 dp Debris remains send 48 hr follow up 4-17-16.					
172 FINSBURY LN	BRUSH LETTER	04/06/16	04/06/16	08/04/16	
	N/A	20160440	WEBER, JODY		
4-6-16 dp I noticed a huge amount of tree debris has been cut and moved into the street in front of this location. I also noticed the same tree debris matching also in front of 177 Finsbury Ln. Certificate follow up 4-12-16.					
4-12-16 dp Debris remains on both sides of the street as seen in my original inspection. 48 hr follow up 4-17-16.					
177 FINSBURY LN	TRASH & DEBRIS	04/06/16	04/06/16	08/04/16	
	SHERWOOD MANOR 2	20160430	GASAWAY, KIM		
4-5-16 dp Tree debris in the yard. I received an email from Jeremy Drake that he will be removing the tree in the ROW so this will no longer be a problem and I have asked him to remove this debris as it will get done sooner than publishing in the paper. Follow up 4-13-16.					
22 LITTLEJOHN RD	BRUSH LETTER	04/06/16	04/06/16	08/04/16	04/12/16
	SHERWOOD MANOR 1	20160427	HANNAHS, TRICIA	DEBRIS REMOVED	
4-5-16 dp Tree debris has been placed in the gutter for trash removal unbundled or bagged. Certificate letter follow up					
4-11-16.					
4-12-16 dp Debris gone close.					

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317 MAIN ST E	PERMIT VIOLATION	04/11/16	04/11/16	08/09/16	
		20160459	RICHARD HARRIS & MARK HOLBROOK		

4-8-16 dp During routine inspections I noticed a new shed at this location. The shed appears to be built over the property lines and has no permit on file. I phoned Mr Holbrook to bring this matter to his attention. Approximately 10 minutes after this phone conversation Mr. Holbrook came to our office and requested to speak with me, which we did in my office. I explained the issue of 1) No Permit for the shed and 2) The shed not being in compliance with it's placement on the property. I explained his three options of 1) doing a re-plat and submitting an application, 2) being denied and the possibility of going to the BZA, or 3) Doing nothing which may result with Miami County Municipal Court action. At this time, Mr. Holbrook has an application and is planning on conducting a re-plat on the property to bring his shed into compliance.

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975 MAIN ST E	BRUSH LETTER	04/04/16	04/04/16	08/02/16	04/12/16
		20160408	NOLAN, EILEEN	DEBRIS REMOVED	

4-4-16 dp Large pile of brush in the ROW. Certificate letter follow up 4-11-16. Mr. Nolan visited the Mayor's Office and said he has been working on the cleanup and will complete in the upcoming days.  
4-12-16 dp Trash debris removed close.

-----

1057 MAIN ST E	BRUSH LETTER	04/04/16	04/04/16	08/02/16	04/11/16
		20160407	MONTGOMERY, JUNE	DEBRIS REMOVED	

4-4-16 dp While out Friday, I spoke with some teenage boys regarding the leaves they were piling up in the street. I explained what and where these leaves could be disposed of. Obviously this fell on deaf ears. Several piles of leaves in the gutter. Certificate letter follow up 4-11-16.  
4-11-16 dp debris gone close.

-----

1116 MAIN ST E	BRUSH LETTER	04/04/16	04/04/16	08/02/16	04/12/16
	N/A	20160406	CONLEY, DONNIVAN	COMPLETED	

4-4-16 dp I received a call from Jerry Mullins regarding this location and I did find a small pile of brush in the street so I placed a door knocker and waited until today to follow up. Today there are 2 piles, certificate letter follow up 4-11-16.  
4-8-16 dp Mr. Conley called today and said the brush was from a tree li,b from a City tree that he cut up. He said he would be sending the City a bill for this service he provided. I explained the yard waste process. I also took another photo and the debris has a fair amount of pine cones and fir in it and I see no evergreen type trees on this property.  
4-12-16 dp Tree debris has been bundled. I will send an email to the garage. Close.

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CITY OF TROY - WARD THREE  
VIOLATIONS BY ADDRESS  
03/31/2016 TO 04/13/2016

807 DRURY LN	EXCESSIVE ANIMALS	04/07/16	04/07/16	08/05/16	
		20160443	TUBBS, RICHARD		

4-7-16 sb Complaint of 4 pitbulls at this address. I checked with the animal shelter. There are 4 pitbull mixes licensed at this address to a Janette Rogers. Richard Tubbs in 2015 has a dog licensed to him as well. Violation letter, certificate, to reduce number to 3. Follow up 5-9-16.

-----

407 MULBERRY ST S	TRASH & DEBRIS	04/06/16	04/06/16	08/04/16	04/12/16
	N/A	20160439	HEFFELFINGER, NOLAN	DEBRIS REMOVED	

4-6-16 dp I noticed some wood flooring in the curb lawn. Certificate follow up 4-12-16.  
4-12-16 dp Trash debris removed close.

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417 MULBERRY ST S	TRASH & DEBRIS	04/06/16	04/06/16	08/04/16	04/12/16
		20160437	KING, RONALD	TRASH REMOVED	

4-6-16 dp During routine insprctions I noticed several trash bags in the area behind the garage off the alley. Certificate follow up 4-12-16.  
4-12-16 dp Trash debris removed, close.

510 MULBERRY ST S	TRASH & DEBRIS	04/06/16	04/06/16	08/04/16	04/13/16
		20160434	JENKINS, BRUCE	TRASH REMOVED	
4-6-16 dp During routine inspections, I noticed trash and furniture in the rear yard off the alley. Certified with cc to tenant follow up 4-12-16.					
4-11-16 dp Green card back dated 4-9-16, follow up 4-13-16.					
4-13-16 dp Trash gone close.					

512 MULBERRY ST S	TRASH & DEBRIS	04/06/16	04/06/16	08/04/16	04/12/16
		20160436	LUCAS, LINDA	DEBRIS REMOVED	
4-6-16 dp During routine inspections, I noticed a huge pile of brush in the rear yard off the alley. Certificate letter follow up 4-12-16.					
4-12-16 dp Trash and debris gone close.					

513 MULBERRY ST S	TRASH & DEBRIS	04/06/16	04/06/16	08/04/16	04/12/16
		20160433	STRADLING, JENNIFER	DEBRIS REMOVED	
4-6-16 dp During routine inspections, I noticed a sizeable pile of trash in the curb lawn. Certificate letter follow up 4-12-16.					
4-12-16 dp Trash and debris gone close.					

518 MULBERRY ST S	TRASH & DEBRIS	04/06/16	04/06/16	08/04/16	04/12/16
	N/A	20160438	CYNTHIA CHANDLER	TRASH REMOVED	
4-6-16 dp I noticed several trash bags in the rear yard off the alley. Certificate follow up 4-12-16.					
4-12-16 dp Trash and debris gone close.					

513 WALNUT ST S	TRASH & DEBRIS	04/06/16	04/06/16	08/04/16	04/12/16
		20160435	MITCHELL, TED	TRASH REMOVED	
4-6-16 dp During routine inspections, I noticed some brush and used tires in the rear yard off the alley. I called Mr. Mitchell the owner and he asked me to do a letter to the resident. Mr. Mitchell will pickup his letter and I will mail the tenants follow up 4-12-16.					
4-12-16 dp Trash and debris gone close.					

1003 WALNUT ST S	BRUSH LETTER	04/04/16	04/04/16	08/02/16	04/12/16
		20160414	HILL, CHRISTINA	DEBRIS REMOVED	
4-4-16 dp During routine inspections I noticed a Huge Pile from a tree that was obviously cut down and all the debris is in the street and curblawn. Certificate letter follow up 4-11-16.					

CITY OF TROY - WARD FOUR  
VIOLATIONS BY ADDRESS  
03/31/2016 TO 04/13/2016

1106 MC KAIG AVE	PROPERTY MAINTENANCE	04/05/16			
		20160418	KLINT, MATHEW		
4-4-16 sb Friendly repair letter sent regarding awnings, trim, porch need painted. Brick above front door needs repaired. Follow up 5-13-16.					

CITY OF TROY - WARD FIVE  
VIOLATIONS BY ADDRESS  
03/31/2016 TO 04/13/2016

632 BRANFORD RD	BRUSH LETTER WESTBROOK 7	04/08/16 20160452	04/08/16 BERNING, AARON D	08/06/16	
4-7-16 dp Noticed a small unbagged pile of yard debris in the street. Certificate follow up 4-13-16.					
718 BRANFORD RD	BRUSH LETTER WESTBROOK 7	04/13/16 20160462	04/13/16 LAVENDER, RON L	08/11/16	
4-12-16 dp Small pile of unbundled brush on the street gutter. Certificate letter follow up 4-18-16.					
753 BRISTOL RD	BRUSH LETTER WESTBROOK 5	04/11/16 20160458	04/11/16 SIMPSON, PATRICIA	08/09/16	
4-8-16 dp I noticed some rather large piles of brush in the street. gutter Certificate letter follow up 4-16-16.					
1587 CORNISH RD	BRUSH LETTER N/A	04/04/16 20160411	04/04/16 HAES, LESLIE	08/02/16	04/12/16
4-4-16 dp During routine inspections I noticed a pile of brush in the gutter. Certificate letter follow up 4-11-16.					
4-12-16 dp Trash debris gone close.					
1606 CORNISH RD	BRUSH LETTER WESTBROOK 7	04/04/16 20160412	04/04/16 POTTENGER, APRIL	08/02/16	04/12/16
4-4-16 dp During routine inspections I noticed a pile of brush in the gutter. Certificate letter follow up 4-11-16.					
4-12-16 dp Trash debris gone close.					
1681 CORNISH RD	BRUSH LETTER WESTBROOK 9	04/04/16 20160413	04/04/16 TOMSIC, MICHAEL	08/02/16	04/12/16
4-4-16 dp During routine inspections I noticed a pile of brush in the gutter. Certificate letter follow up 4-11-16.					
4-12-16 dp Trash debris gone close.					
1414 COVENT RD	BRUSH LETTER WESTBROOK 2	04/08/16 20160447	04/08/16 CAMPBELL, JULIE	08/06/16	
4-7-16 dp Noticed a pile of sticks.brush in the gutter. Certificate follow up 4-13-16.					
1496 CROYDON RD	BRUSH LETTER WESTBROOK 2	04/13/16 20160463	04/13/16 KASTER, JAMES	08/11/16	
4-12-16 dp Noticed a fair sized pile of tree debris in the street gutter. Certified to owner with cc to tenant follow up 4-18-16.					
960 DARTMOUTH RD	BRUSH LETTER WESTBROOK 12	04/08/16 20160450	04/08/16 TAYLOR, JOHN	08/06/16	
4-7-16 dp Noticed a fair sized pile of tree debris in the street on the Branford side. Certificate follow up 4-13-16.					
1063 DORCHESTER RD	FENCE NO PERMIT WESTBROOK	04/08/16 20160451	04/08/16 BROOKS, CAROL	05/15/16	
4-7-16 dp I noticed what appears to be a 6' wood privacy fence kennel area in the rear yard and no permit or application is on file. Certificate follow up 4-13-16.					
774 DORSET RD N	BRUSH LETTER	04/04/16 20160410	04/04/16 ROWE, BENJAMIN	08/02/16	04/12/16
4-4-16 dp During routine inspections, I noticed a pile of brush in the gutter. Certificate letter follow up 4-11-16.					
4-12-16 dp Trash debris gone close.					
1303 FLEET RD	BRUSH LETTER WESTBROOK 3	04/08/16 20160448	04/08/16 MARSH, THOMAS	08/06/16	
4-7-16 dp Noticed a Huge pile of brush on the Trade Sq W side of this location in the street. Certificate follow up 4-13-16.					
1285 NORTH RD	BRUSH LETTER	04/08/16	04/08/16	08/06/16	

20160449 CLARK, JOHN

4-7-16 dp Noticed a fair amount of tree debris in the street. Certificate follow up 4-13-16.

1670 SURREY RD	BRUSH LETTER N/A	04/11/16 20160457	04/11/16 WILLIAMS, PAULA	08/09/16	
4-8-16 dp I noticed a pile of brush in the street gutter. Certificate follow up 4-16-16.					
84 TAMWORTH RD	BRUSH LETTER 00102	04/04/16 20160409	04/04/16 MYERS, MARIANA	08/02/16	04/12/16 DEBRIS REMOVED
4-4-16 dp During routine inspections I noticed a small pile of brush in the gutter, Certificate letter follow up 4-11-16.					
4-12-16 dp Trash and debris gone close.					
154 TAMWORTH RD	BRUSH LETTER SHERWOOD MANOR 1	04/06/16 20160431	04/06/16 EDWARDS, ALTHEA	08/04/16	04/12/16 DEBRIS REMOVED
4-5-16 dp I noticed a pile of brush from an evergreen tree in the gutter. Certificate letter follow up 4-11-16.					
4-12-16 dp Trash and debris gone close.					
1010 MAIN ST W	TRASH & DEBRIS N/A	04/04/16 20160405	04/04/16 KLATTE, KEVIN	08/02/16	04/13/16 DEBRIS REMOVED
4-4-16 sb Cleanout, huge pile of leave, follow up 4-8-16.					
4-13-16 sb Debris removed. Close.					
210 RIDGE AVE S	PROPERTY MAINTENANCE	04/13/16 20160465	KING, CHRISTOPHER	08/11/16	
4-13-16 sb Friendly letter. Spring house needs painted, is rusted and has large holes in the roof and structure that need repaired. Follow up 5-13-16					
222 RIDGE AVE S	BRUSH LETTER N/A	04/05/16 20160417	04/05/16 MCCARTHY, ROBERT	08/03/16	04/13/16 DEBRIS REMOVED
4-4-16 sb Debris in the street. Certificate, follow up 4-11-16.					
4-13-16 sb Debris gone. Close.					
237 RIDGE AVE S	BRUSH LETTER N/A	04/05/16 20160416	04/05/16 EMERICK, JORDAN	08/03/16	04/13/16 DEBRIS REMOVED
4-5-16 sb Debris in the street. Certificate, follow up 4-11-16.					
4-7-16 sb Rachel Emerick tel. They will bundle the sticks and put them out for pick up with their trash Monday.					
4-13-16 sb Debris gone. Close.					
516 RIDGE AVE S	BRUSH LETTER	04/05/16 20160421	04/05/16 CHRISTOPHER, ANASTASIA		04/13/16 DEBRIS REMOVED
4-5-16 sb Debris in street. Certificate, follow up 4-11-16.					
4-13-16 sb Debris gone. Close.					
520 RIDGE AVE S	BRUSH LETTER	04/05/16 20160422	04/05/16 RUDY, JAMES	08/03/16	04/13/16 DEBRIS REMOVED
4-5-16 Debris in street. Follow up 4-11-16. Certificate.					
4-7-16 sb Jane Rudy left message stating the sticks are her neighbors and that her neighbors lawn company is putting the debris in front of the Rudy's house when they mow.					
4-7-16. LWTC for Jane Rudy. Explained in the message that unfortunately, because the debris is in front of the Rudy's I am required to write up that property owner. I suggested that she contact her neighbor and explain to her what her lawn company is doing.					
4-13-16 sb Debris gone. Close.					
606 RIDGE AVE S	BRUSH LETTER	04/05/16 20160420	04/05/16 SMITH, MARY CAROL		04/13/16 DEBRIS REMOVED
4-4-16 sb Debris in street. Certificate, follow up 4-11-16.					
4-13-16 sb Debris gone. Close.					
734 RIDGE AVE S	BRUSH LETTER	04/05/16	04/05/16	08/03/16	04/13/16

N/A 20160419 CURNES, KATIE DEBRIS REMOVED  
4-5-16 sb Debris in the street. Certificate, follow up 4-11-16.  
4-13-16 sb Debris gone. Close.

CITY OF TROY - WARD SIX  
VIOLATIONS BY ADDRESS  
03/31/2016 TO 04/13/2016

-----  
520 BAYWOOD CT FENCE PROBLEMS 04/07/16 04/07/16 08/05/16  
STONEBRIDGE 20160441 DELLER, MATTHEW  
4-7-16 sb Fence was not finished along rear property line to surround their inground pool.  
12-15-15 I spoke with property owner; he stated he was still working on fence but there were a few trees in the rear that prevented him from  
placing the fence on the property line. I asked at that time for him to give me a revised site plan and a letter outlining a timeline  
of completion. I never received them. Sending letter today giving him until 4-15-16 to get me a revised plan and a  
timeline. Follow up 4-15-16  
-----  
2523 THORNHILL DR PROPERTY MAINTENANCE 04/13/16 08/11/16  
N/A 20160464 LAND, CHERIE  
4-13-16 sb Fire yesterday at the house which resulted with severe damage. I will keep eye on property and follow up in 30 days to see any  
kind of progress is being made, if not, I will send a letter. Follow up 5-13-16.

## **TREASURE ISLAND NON-TICKETED EVENT USE AGREEMENT**

This Agreement is made by and between the City of Troy, Ohio, by its Director of Public Service and Safety, hereinafter called the "City", the Troy Board of Park Commissioners, by its President, hereinafter called the "Park Board," and the **Troy Recreation Board**, hereinafter called "Applicant".

### **WITNESSTH:**

WHEREAS, the City owns Treasure Island Park (hereinafter called "the Park"), located at 439 N. Elm Street, Troy, Ohio, 45373; and,

WHEREAS, the Troy City Council, Mayor, and Board of Park Commissioners desire to provide family-friendly entertainment and Events at the Park with the controlled consumption of adult beverages during specific times; and

WHEREAS, the Applicant desires to use the Park for the **"Parrots of the Caribbean" concert**, hereinafter called the "Event" on **July 23, 2016**;

Now, therefore, in consideration of the mutual covenants and conditions herein contained, the City and the Applicant agree as follows:

### **USE**

1. The City hereby grants permission to Applicant for the use of the Park, located at 439 N. Elm Street, Troy, Ohio, as designated on Exhibit A, on **July 23, 2016** from **10:00 a.m.** to **11:00 p.m.** for the Event with applicable set-up and tear-down activities and times.
2. The Applicant shall occupy and use the Park solely for the purposes of the Event and related activities but shall ensure that access to all areas leased by the tenant(s) in the Marina Building, also designated on Exhibit A, and operations within said building remain open and freely navigable during the Applicant's use of the Park.

### **APPLICANT RESPONSIBILITIES**

1. The Applicant shall agree to meet with City staff to define any and all Event requirements of the City;
2. The Applicant shall comply with all Event requirements and shall endeavor to provide all Event planning requirements, alcohol permit(s), final Event layout, Event set-up and tear-down plans and time frames, security plans, vendor licenses, etc. to

the City sixty (60) days in advance of the Event, but shall provide same no less than thirty (30) days in advance of the Event.

3. If recommended by the City, the Applicant shall place a fencing barrier around the Event venue, of appropriate size, materials, and appearance and, further, at locations and through methods approved by City, but shall charge no admission for the Event. Applicant, at its own expense, shall install and remove the fencing per requirement of the City.
4. If alcohol sales and consumption has been approved by the City and is to be provided at the Event, Applicant shall obtain all appropriate alcohol sales permits from the State of Ohio and adhere to all its requirements. Applicant shall adhere to the following additional requirements:
  - a. Alcohol sales and consumption must remain within the designated Event boundaries at all times, with the type of barrier approved by City;
  - b. Alcohol sales times shall be limited to no earlier than 6:00 p.m. until no later than 11:00 p.m., with copies of permit and sales hours posted at all sales and serving locations;
  - c. Alcohol sales shall be limited to beer and wine only;
  - d. Alcohol sales shall be limited to two (2) drinks per person per transaction;
  - e. Alcohol container size shall be no larger than 16 ounces and must be dispensed in plastic cups or containers;
  - f. All servers and consumers must be age 21 or older;
  - g. Age of consumers shall be verified with a wristband in a manner acceptable to the City;
  - h. Servers, ticket sellers and ID checkers must be trained in alcohol sales in compliance with State laws;
  - i. Alcohol may not be carried into or out of the designated area/venue;
  - j. Alcohol may not be consumed by Applicant representative(s) designated under item #12 below, workers or volunteers; and,
  - k. Alcohol may not be brought into the Event venue except by the authorized distributor;

1. Unless provided under the City's liability coverage, Applicant or alcohol permit holder shall also obtain and maintain for the duration of the Agreement liquor liability insurance with limits no less than \$1,000,000 per occurrence and \$2,000,000 aggregate and name the City as additional insured.
5. The Applicant, its assigns, heirs, successors, employees and any and all subcontractors shall be considered independent contractors.
6. The Applicant and all performers and vendors shall comply with inspections and obtain any permits required prior to operation, at the Applicant's expense.
7. Applicant shall maintain the cleanliness of the property utilized by Applicant and shall be responsible for removing Event materials such as fencing from the facility at the conclusion of the Event. Applicant shall coordinate with the City the location and delivery and pick-up of any Event support items such as portable restroom facilities and dumpsters.
8. The Applicant shall include waste separation units to separate recycling from landfill-able waste materials.
9. The Applicant shall be responsible for cleaning and restoring the facilities to their pre-Event state after the conclusion of the Event and remove all trash and cooking waste, etc. from the site.
10. Applicant is responsible for all costs of maintenance and repair of damage to the physical structure, equipment or park property that is caused by Applicant activities.
11. The Applicant or designated representatives shall be present on premises during the entire Event.
12. The Applicant shall use all reasonable efforts to ensure that illegal narcotics, stimulants or other banned or illicit substances are not being used, sold or distributed at the Event, within the Event Area, or as a part of any shuttle services provided by the Applicant.
13. The Applicant shall prohibit, in the event area, commencing one hour prior to the event to one hour following the event, each event day:

- a. any knife, club or any other instrument, device or thing that is capable of inflicting serious physical harm, that is designed or specifically adapted for use as a weapon, or that is possessed, carried or used as a weapon, unless specifically authorized by the Troy Police Department, or otherwise permitted by law;
  - b. any animal, except guide dogs and handicap-assist animals, unless such animal is being or shall be used by law enforcement officials in the performance of their duties;
  - c. anyone writing, painting, chalking or otherwise permanently or temporarily defacing or marking on any public streets, sidewalks, alleys or other public areas; and,
  - d. the use of aircraft of any kind, including but not limited to drones, model aircraft, gliders, dirigibles, or balloons with motors, unless specifically approved by the City at least seven (7) days in advance of Event start date.
14. The Applicant shall not permit any of its employees or volunteers to engage in any immoral conduct in the Event Area. The Applicant shall use their reasonable efforts to ensure that no Event attendees engage in any immoral conduct at the Event, within the Event Area, or as a part of any shuttle services provided by the Applicant.
15. The Applicant shall take all action reasonably necessary to ensure the safety of Event attendees the event.
16. The Applicant shall take all action reasonably necessary to ensure that all food and beverages sold by the Applicant or vendors authorized by the Applicant at the Event are being stored, prepared and sold in compliance with food and safety laws and other Applicable Laws.
17. Applicant shall take all actions reasonably necessary to ensure that the Applicant their subcontractors, and vendors authorized by the Applicant comply with all environmental laws as are applicable in the performance of its obligations and exercise of its rights under this Agreement.

18. The Applicant shall not discriminate on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, unfavorable discharge from military service, parental status with respect to employment practices, in providing access to the Event, and providing services under this Agreement.
19. Applicant shall not assign or transfer this agreement or sublet any portion thereof without prior written consent of the City.
20. Applicant agrees that the City or its designated agents (e.g., Miami County Public Health) may enter upon the designated space provided by the City at all times to make inspection of the property.
21. Applicant shall designate one individual to serve as liaison between the City and Applicant. The liaison shall coordinate needs and uses with the City.

#### **CITY'S RESPONSIBILITY**

1. The City hereby agrees, except as set forth herein, to authorize the exclusive use of Treasure Island Park for said Event during said times.
2. The security plan, which shall be created by the City in consultation with the Event, and which shall include alcohol sales/consumption, crowd control measures, and the process by which the Event would be postponed or cancelled, shall be submitted for approval by the Police Chief and Fire Chief, sixty (60) days prior to the Event.
3. The City shall, in consultation with the Applicant and within a reasonable time prior to the Event, identify the City services required for the Event, as well as their reasonable costs, including but not necessarily limited to police, fire, paramedic medical, parks, recreation, electrical, utility, and other operations as deemed necessary based on the plans and actual activities for the Event and as outlined and listed in Exhibit II, "Estimate of Reimbursable Expenses." Any and all other services and costs not specifically identified on Exhibit II shall be the sole responsibility of the Applicant, unless specifically waived by the City.
4. The City hereby agrees that this Use Agreement authorizes the selling and consumption of alcohol in the Event venue as an exception to Section 933.20 of the

"Codified Ordinances of the City of Troy, Ohio" for the specified period of time and under the conditions defined herein.

5. The City hereby agrees that if Applicant shall perform all of the above covenants, undertakings and agreements contained herein, it shall during the term hereof, freely, peaceably and quietly enjoy the use of the designated property for said purposes without molestation, hindrance, eviction, or disturbance by the City or persons under its control.
6. The City agrees to designate a City liaison to the Applicant.

#### **FEES**

1. Unless specifically waived by the City, this Event shall be cost neutral for the City and any other direct expenses for the Event including Event insurance if the Applicant obtains such insurance through the Miami Valley Risk Management Association or dumpster rental expenses. Costs are estimated to be **Two Thousand, Six Hundred, Thirty Six Dollars (\$2,636)** and are detailed in Exhibit B. As staff reviews plans for park set-up and vendor needs, the estimate may be modified. If not specifically waived, fifty percent (50%) of the final estimated cost shall be paid as a deposit to the City at the time of signing of this Agreement.
2. Unless expenses are waived, the City shall submit an invoice for the balance of the actual expenses less the paid deposit to the Applicant within two weeks of the Event. The Applicant shall pay the balance within thirty (30) days of receipt of the invoice.
3. The Applicant is responsible for acquiring all necessary and applicable music licensing, if required. Applicant accepts complete responsibility for failure to secure appropriate licenses from all performing rights organizations (e.g. BMI, ASCAP, SESAC, etc.).

#### **LIABILITY**

1. Unless included under the City's liability coverage and thus specifically waived by the City, the Applicant agrees to provide sufficient insurance documentation, proving insurance placed with insurers with a current A.M. Best rating of no less than A: VII, unless otherwise acceptable to the City that:

- a. Indemnifies, holds harmless and defends the City, its officers, employees, agents and volunteers against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the City, its officers, employees, agents and volunteers may hereafter sustain, incur or be required to pay, arising out of or by any act or omission of the Applicant, its officers, employees, agents and volunteers, in the execution, performance or failure to adequately perform Applicant's obligations pursuant to this contract. Applicant further agrees to assume all risk of loss, damage or injury caused by whatever kind, or whosoever caused (other than loss, damage or injury caused by an act or omission of the City or of any under the City's control) to any person(s) or the property of the parties, or anyone on or about the property.
- b. Maintains for the duration of this Agreement at its own cost and expense commercial general liability insurance with limits no less than \$1,000,000 per occurrence and \$2,000,000 aggregate. Applicant or alcohol permit holder shall also obtain and maintain for the duration of the Agreement liquor liability insurance with limits no less than \$1,000,000 per occurrence and \$2,000,000 aggregate and name the City as additional insured. The insurance policies are to contain, or be endorsed to contain, the following provision:

Additional Insured Status: City, its officers, employees, agents and volunteers shall be covered as Additional Insureds with respect to liability arising out of all activities by or on behalf of the Applicant with respect to the Event. The following language shall be included on the insurance certificate(s):

"The following are additional insureds: The City of Troy, Ohio, its elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers, thereof. Coverage shall be primary to the additional insureds and not contributing with any other insurance or similar protection available to the additional insureds whether other available coverage be primary, contributing or excess."

- c. Applicant shall, at the time of the execution of this agreement, furnish the City with a certificate(s) of insurance evidencing the coverages required above. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time. Each insurance policy required above shall not be canceled, except with written notice to the City. Applicant shall promptly notify the City upon receipt of a notice of cancellation or material modification of coverage.

#### **TERMINATION OF AGREEMENT**

The City retains the right to cancel the Event in its entirety or any portion thereof in the case of impending, imminent, or forecasted inclement weather or apparent inclement weather, upon Applicant's failure to comply with any or all terms and conditions of the above covenants, undertakings and agreements contained herein. Cancellation may be prior to or during said Event.

#### **ENFORCEABILITY**

1. If any provision of the agreement shall be determined to be void, invalid, unenforceable or illegal for any reason, it shall be ineffective only to the extent of such prohibition, and the validity and enforceability of all the remaining provisions shall not be affected thereby.
2. The agreement shall be governed by and constructed under the laws of the State of Ohio.

IN WITNESS WHEREOF, the authoring representative of the parties has executed the agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF TROY BOARD OF PARK COMMISSIONERS (PARK BOARD):**

By \_\_\_\_\_ Date \_\_\_\_\_, 201\_\_  
President:

Pursuant to action taken at the \_\_\_\_\_ (date) Park Board Meeting

Witness \_\_\_\_\_ Date \_\_\_\_\_,  
201\_\_

---

**CITY OF TROY (CITY), if approving sale and consumption of alcohol:**

By \_\_\_\_\_ Date \_\_\_\_\_, 201\_\_  
Patrick E. J. Titterington  
Director of Public Service and Safety

Pursuant to Ordinance \_\_\_\_\_ passed on \_\_\_\_\_ (date)

Witness \_\_\_\_\_ Date \_\_\_\_\_,  
201\_\_

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\_\_\_\_\_  
(APPLICANT)

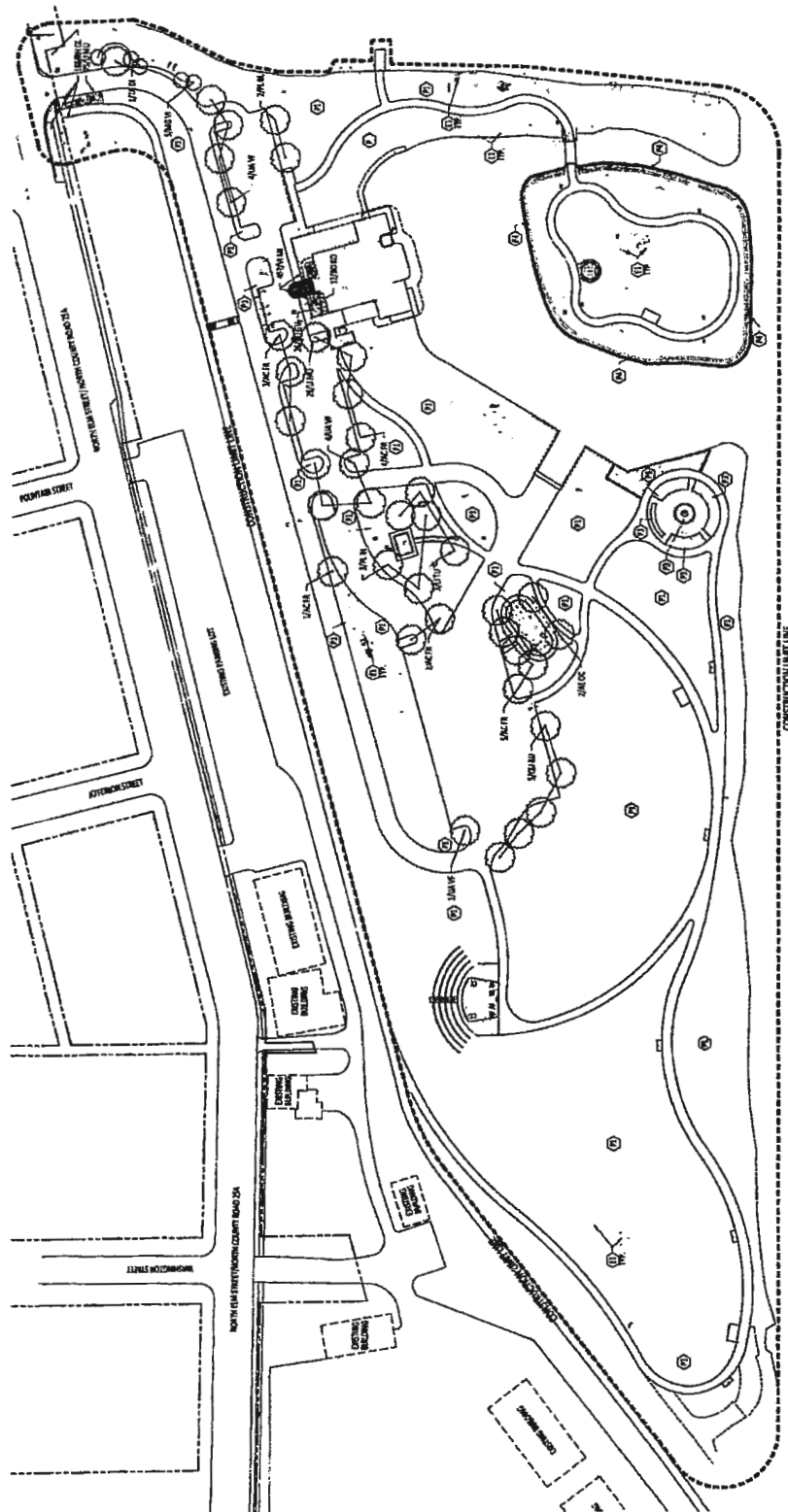
By \_\_\_\_\_ Date \_\_\_\_\_, 201\_\_

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**AS TO FORM:**

By \_\_\_\_\_ Date \_\_\_\_\_, 201\_\_  
Grant Kerber  
Troy Law Director

## Exhibit A: Treasure Island Park Layout



## **Exhibit B: Estimate of Reimbursable Expenses**

### **City of Troy Support Services**

#### **Police and Fire**

Service	# of Employees	Shift	Hours	Rate	Total Estimate
Police	2	6 p.m. - 10 p.m.	4	\$34 / hr	\$525
Fire	2	6 p.m. - 10 p.m.	4	\$34 / hr	\$525
<b>Total</b>					<b>\$1,050</b>

#### **Parks and Recreation**

Service	# of Employees	Shift	Hours	Rate	Total Estimate
Bartending	5	5:30 p.m. - 9:30 p.m.	4	\$10 / hr	\$200
Ushers	6	5:30 p.m. - 9:30 p.m.	4	\$10 / hr	\$240
Security	8	6:30 p.m. - 9:30 p.m.	3	\$22 / hr	\$528
Cleaning	4	8:30 p.m. - 11:00 p.m.	2.5	\$10 / hr	\$100
Stagehand	4	TBD	8	\$10 / hr	\$320
<b>Total</b>					<b>\$1,388</b>

#### **Streets, Electrical and Other Operations**

Service	# of Employees	Shift	Hours	Rate	Total Estimate
Electrical	1	TBD (loading)	6	\$33 / hr	\$198
<b>Total</b>					<b>\$198</b>

**Total Estimated Expenses**

**\$2,636**

30693 (05/11)



03/25/2016

107611317

93-38  
929

Wealth Management & Securities Services  
Questions Call 1-866-252-4360

PAY ONE THOUSAND FOUR HUNDRED TWENTY EIGHT DOLLARS AND 84/100

Issued by: U.S. Bank National Association, Minneapolis, MN 55480

\$ 1,428.84

Drawer: U.S. Bank

TO THE CITY OF TROY AUDITOR'S OFFICE  
ORDER  
OF

AUTHORIZED SIGNATURE

⑈107611317⑈ ⑆092900383⑆ 150080235131⑈

ZY 2622  
PT PCC TR TROY OH  
2474  
PCG COMMTR

003306

PERCENTAGE INCOME REMITTANCE

WILLIAM H. MAIER SUCCESSOR TR U/W

RECEIVED

MAR 30 2016

AUDITOR'S OFFICE

107611317

03/25/2016

1,428.84

Wealth Management & Securities Services  
Questions Call 1-866-252-4360

CITY OF TROY AUDITOR'S OFFICE  
100 S MARKET STREET  
TROY, OH 45373